

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 4058 of 2015

Dr. Ulhas Yashwant Bendale,
Age : 65 years,
Occupation : Doctor,
R/o. CTS No. 7066,
Shikshak Wadi, Ring Road,
Jalgaon,
Taluka & District : Jalgaon.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai - 32.
2. The District Collector,
Jalgaon.
3. The Sub-Divisional Officer,
Jalgaon.
4. The Tahsildar,
Jalgaon.

.. Respondents.

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*Mr. Girish S. Rane, Advocate, holding for
Mr. S.B. Yawalkar, Advocate, for the petitioner.*

*Ms. S.S. Raut, Asst. Government Pleader, for
respondent nos.1 to 4.*

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With

Writ Petition No. 4059 of 2015

Dr. Suresh Rupchand Patil,
Age : 71 years,
Occupation : Doctor,
R/o. Plot No.10, CTS No. 7416,
Ring Road, Jalgaon,
Taluka & District : Jalgaon 425 001. .. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai - 32.
2. The District Collector,
Jalgaon.
3. The Sub-Divisional Officer,
Jalgaon.
4. The Tahsildar,
Jalgaon. .. Respondents.

.....

*Mr. Girish S. Rane, Advocate, holding for
Mr. S.B. Yawalkar, Advocate, for the petitioner.*

*Ms. S.S. Raut, Asst. Government Pleader, for
respondent nos.1 to 4.*

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With

Writ Petition No. 10481 of 2015

Dr. Sunil Gajanan Gajare,
Age : 58 years,
Occupation : Doctor,
R/o. Plot No.25, 26,
Gandhi Nagar,
Near S.T. Stand, Jilha Peth,
City, Tal. & Dist. Jalgaon.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai - 32.
2. The District Collector,
Jalgaon.
3. The Sub-Divisional Officer,
Jalgaon.
4. The Tahsildar,
Jalgaon.

.. Respondents.

.....

*Mrs. Chaitali Kutti (Choudhary), Advocate, for
the petitioner.*

*Ms. S.S. Raut, Asst. Government Pleader, for
respondent nos.1 to 4.*

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With

Writ Petition No. 11689 of 2015

Dr. Chandrashekhar Gangabisanji Sikchi,
 Age : 75 years,
 Occupation : Medical Practitioner,
 R/o. Plot No.6, Pratap Nagar,
 Near Anglo Urdu School,
 Jalgaon, Taluka & Dist. : Jalgaon.

.. Petitioner.

versus

1. The State of Maharashtra,
 Through its Secretary,
 Revenue & Forest Department,
 Mantralaya, Mumbai - 32.
2. The District Collector,
 Jalgaon.
 Taluka & Dist. Jalgaon.
3. The Sub-Divisional Officer,
 Jalgaon.
 Taluka & Dist. Jalgaon.
4. The Tahsildar,
 Jalgaon.
 Taluka & Dist. Jalgaon.
5. The Talathi,
 Jalgaon City, Jalgaon,
 Taluka & Dist. Jalgaon.

.. Respondents.

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Mr. Girish S. Rane, Advocate, for the petitioner.

*Ms. S.S. Raut, Asst. Government Pleader, for
 respondent nos.1 to 5.*

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 25TH JANUARY 2016

COURT'S ORDER (Per S.V. Gangapurwala, J.) :

1. Heard the learned Counsel for respective petitioners and the learned Asst. Government Pleader for the respondents.
2. The penalty levied under the provisions of the Maharashtra Land Revenue Code 1966, for use of agricultural land into commercial premises is assailed.
3. The learned Asst. Government Pleader raises a preliminary objection that the petitioners have alternate remedy.
4. Mr. Rane and Mrs. Kutti (Choudhary), the learned Counsel for respective petitioners, do not dispute that they have an alternate remedy. They submit that the impugned orders are not in adherence to the principles of natural justice. They also submit that the petitioners in Writ Petition Nos. 10481 of 2015 and 11689 of 2015 are not supplied copies of reports by the authorities.
5. The petitioners in Writ Petition Nos. 10481 of 2015 and 11689 of 2015 are entitled for copies of reports by the authorities. The respondents shall supply copies of reports to the petitioners as and when demanded.

6. In view of the fact that the petitioners have alternate remedy, the Writ Petitions are not being entertained on merits. The petitioners are at liberty to avail alternate remedy of challenging the impugned orders. If the appeals are filed by the petitioners within a period of 30 days from today, the objection with regard to the limitation would not arise in view of the pendency of the present proceedings. All contentions of respective parties are kept open. Interim orders passed by this Court shall continue till the disposal of appeals before the authority.

7. Amount, if any, deposited by the petitioners shall be transmitted to the office of the Additional Collector. The same shall be subject to the decision of the Additional Collector in the said appeals.

8. With the above observations and directions, the Writ Petitions are disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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