

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

WRIT PETITION NO. 10155 OF 2015

Kashinath S/o Bandappa Patage
Died through his L.Rs.
Amol Kashinath Patage .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Prashant K. Deshmukh, Advocate for the Petitioner.
Mrs. M. A. Deshpande, A.G.P. for the Respondents/State.

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

DATE : 27TH JANUARY, 2016.

PER COURT :

1. Mr. Deshmukh, the learned counsel submits that, the application has been filed before the Tahsildar for issuance of ownership certificate. The judgments before Tenancy Court are in favour of the present petitioner. However, the same is not implemented. The matter be transferred to other Tahsildar. According to the learned counsel, there is no provision of third appeal, still the Tahsildar has stated that after the appeal period is over the further proceedings would be taken up.

2. The learned Assistant Government Pleader submits that,

there are no allegations which would require transfer of the proceedings from one Tahasildar to another. The letter is dated 14.08.2015.

3. We have considered the submissions canvassed by learned counsel for respective parties.

4. The transfer of the matter can not be *ipse dixit*. Only because the letter has been issued that after the appeal period is over the further proceedings would be taken up cannot be a ground to transfer the proceedings.

5. The present petition is filed in the month of August, 2015, i. e .immediately after about 8 to 10 days of the issuance of the said letter. The period as was contemplated by the Tahsildar has now come to an end, as it is now five months the said communication is issued by the Tahsildar.

6. The applicant as such shall approach the concerned Tahsildar for further proceedings. Needless to state the Tahsildar will take up the proceedings in accordance with law. The writ petition accordingly is disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]