

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4688/2016

Reshmi Motiram Gedam and others

...Versus...

State of Maharashtra, Through its Secretary, Revenue and Forest Department,
Mumbai – 32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V. Sohoni, Advocate for petitioners
Shri A.S. Fulzele, Addl. G.P. for respondents

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 15.11.2016

By this petition, the petitioners challenge the part of the order of the Sub-Divisional Officer, conditionally granting approval to the petitioners to convert the agricultural land to non-agricultural use.

According to the petitioners, Condition No.3 of the order granting permission is bad in law.

Shri Fulzele, the learned Additional Government Pleader appearing for the respondents submits that the petitioners have an alternate remedy of challenging the order of the Sub-Divisional Officer in an appeal under the provisions of the Maharashtra Land Revenue Code. It is stated that instead of availing the alternate remedy, the petitioners have rushed to this Court.

On a reading of the provisions of the Maharashtra Land Revenue Code, we uphold the preliminary objection raised on behalf of the respondents and decline to entertain the writ petition.

The writ petition is disposed of with no order as to costs. The petitioners are at liberty to file the appropriate proceedings before the appellate authority under the Maharashtra Land Revenue Code. The points raised in the petition are kept open.

JUDGE

JUDGE

Wadkar