

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4283 OF 1996

**(Dattatraya s/o Pandurang Mendake Vs. Dhondiba s/o
Nagoji Shelke, Since deceased through L.Rs. Radhabai w/o
Dhondiba Shelke and others)**

Mr. V.G. Mete, Advocate for the Petitioner

CORAM : SANGITRAO S. PATIL, J.

DATE : 13th January, 2017

PER COURT :

Heard the learned counsel for the petitioner.

2. The petitioner wanted to challenge the order dated 29th June, 1996, passed by the Tahsildar, Hadgaon by filing an appeal before the Collector, Nanded. Accordingly, he filed the appeal before the Collector. However, the Additional Collector, Nanded, to whom the appeal was assigned, returned the appeal to the petitioner with a letter dated 3rd September, 1996, making it very clear that as per the provisions of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974, the powers of the Collector were vested with the Tahsildar vide Circular dated 16th February, 1978 and therefore, the appeal against the order passed by the

Tahsildar would lie before the Maharashtra Revenue Tribunal, Aurangabad.

3. In view of the above letter dated 3rd September, 1996, it was necessary for the petitioner to approach the Maharashtra Revenue Tribunal to challenge the order passed by the Tahsildar. However, irrespective of having that alternate remedy, the petitioner chose to file the present writ petition, challenging the order passed by the Tahsildar.

4. Since an alternate and efficacious remedy was available to the petitioner to challenge the order of the Tahsildar, the present writ petition is not maintainable. It is, therefore, liable to be disposed of and accordingly disposed of, with liberty to the petitioner to approach the appropriate forum for seeking appropriate relief as per the provisions of law.

5. The Writ Petition stands disposed of.

[SANGITRAO S. PATIL]
JUDGE