

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9746 OF 2017
(The Village Grampanchayat, Rajapur Vs. The State of Maharashtra
and others)

Mr.S.K.Shinde, Advocate for the petitioner.
Mr.R.R.Karpe, Advocate for respondent No.6.
Mr.S.K.Tambe, AGP for respondent/State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 07/08/2017

PER COURT :

1. The petitioner is aggrieved by the order dated 19/04/2017 passed by the Hon'ble Minister for State, Revenue Department.
2. I have considered the strenuous submissions of Mr.Shinde, who has strenuously criticized the impugned order. The learned AGP and Mr.Karpe, learned Advocate appearing on behalf of respondent Nos. 1 to 5 and 6 respectively, have strenuously opposed this petition. Mr.Karpe submits that this petition be dismissed with heavy costs.
3. With their assistance, I have gone through the petition paper book. Reference is made to the Public Interest Litigation No.2/2010 decided by the learned Division Bench of this Court on 16/12/2010.

4. By the impugned order, the Hon'ble Minister has concluded that the dispute needs to be remitted to the District Collector, Ahmednagar since it falls within its purview and it would be advantageous if the District Collector would decide the matter afresh. Consequentially, Second RTS Appeal No.5/2013 u/s 257 of the M.L.R. Code has been remitted to the District Collector, Ahmednagar.

5. Considering the above, I do not find that the impugned order, remitting the matter for a proper hearing and enquiry, could be termed as being perverse or erroneous. This petition, being devoid of merit, is therefore, dismissed. However, it be noted that respondent No.3 / District Collector, Ahmednagar shall decide Second RTS Appeal No.5/2013 on its own merits and after affording a fair opportunity of hearing to the litigating sides and without being influenced by any observations made by the Hon'ble Minister in the impugned order.

(Ravindra V.Ghuge, J.)