

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

923 WRIT PETITION NO. 11946 OF 2016

SUKHDEO SAKHARAM AMBHORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Kute Rajendra L.
AGP for Respondents/State : Mr. S.B. Pulkundwar

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**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATE : 12.09.2017**

P.C. :-

1. Mr. Kute, the learned counsel for the petitioner strenuously contends that the S.D.O. has issued a notice with regard to mutation entry without jurisdiction. The S.D.O. cannot go into the aspect about the award being passed or whether the award is rightly or wrongly passed. As the initiation of proceedings itself is without jurisdiction, this Court can interfere.

2. The learned A.G.P. submits that the petitioner can approach the S.D.O. and raise all available defences.

3. The S.D.O. has issued notice to the petitioner and has kept the matter for hearing.

4. The petitioner has every right to file the documents and his say before the S.D.O. and raise all possible defences available to him, including that of the jurisdiction of S.D.O. Naturally, the S.D.O. will be required to consider all the contentions raised by the petitioner and all other contesting parties and take decision accordingly. Even the order passed by the S.D.O. can be assailed before the forums as laid down under the code. As no order has been passed and the petitioner has an opportunity to put-forth all his defences before the S.D.O., we are not considering the writ petition on merits. Writ petition is disposed of. Needles to state that all contentions are kept open. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]