

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

WRIT PETITION NO. 12953 OF 2017

MADHAV NARSINGRAO CHAMANWAR
VERSUS
THE ADDITIONAL DIVISIONAL COMMISSIONER,
AURANGABAD AND OTHERS

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Advocate for Petitioner : Mr S S Gangakhedkar
AGP for Respondents 1,2 : Mr N T Bhagat

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CORAM : V.K. JADHAV, J.
Dated: December 11, 2017

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PER COURT :-

1. I do not find any substance in this writ petition.
2. On the basis of the joint application submitted by the present petitioner and respondent No.3 Baburao Oddhiwar, Additional Collector, Nanded by order dated 10.3.2003 accorded permission for N.A. use of the land in question by imposing certain conditions to be fulfilled in a time bound manner. Meanwhile, dispute arises between the two partners and in consequence thereof, present petitioner has filed an application before the Additional Collector, Nanded on 16.6.2014 contending therein that since conditions imposed in the original

order granting permission for N.A. use of the land are not fulfilled, as per the effect of the said order, permission granted would be cancelled automatically. On the basis of the said application, Additional Collector, Nanded by order dated 27.4.2015 cancelled said permission with the observations that, even though, permission granted for N.A. use of the land on certain conditions, those conditions are not fulfilled and, as such, in terms of the said order, permission granted in favour of the owner of the land stands cancelled automatically. Being aggrieved by the same, respondent no.3 has filed revision petition no.209/2015 before the Commissioner, Aurangabad and learned Additional Commissioner, Aurangabad Division, Aurangabad by judgment and order dated 20.4.2017 partly allowed the petition and set aside the order passed by the Additional Collector dated 27.4.2015 and thereby extended N.A. permission for two years by imposing two time of land revenue against the petitioner. Learned Additional Commissioner, Aurangabad extended said N.A. permission period only after fulfilling

said condition of paying two times of land revenue.

3. It appears that, due to the dispute between the partners, petitioner herein approached the Additional Collector for cancellation of the N.A. permission granted in favour of the petitioner and respondent no.3 on their joint application submitted before Additional Collector.

4. I do not find any reason for the petitioner to challenge the order passed by the Additional Commissioner, Aurangabad. Petitioner cannot use the authorities to settle his score with respondent no.3 in the pending litigation. Petitioner even cannot be permitted to invoke the extra ordinary writ jurisdiction of this court to settle his score with respondent no.3. I do not find any substance in this writ petition. Writ petition is hereby dismissed. No costs.

(V.K. JADHAV, J.)

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