

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.820 OF 2017

(Apparao Khushalrao Khedkar Vs. Kashinath Shamrao Khedkar and
others)

Mr.S.R.Barlinge with Mr.K.V.Patil, Advocate for the petitioner.
Mr.R.I.Wakde, Advocate for respondent Nos. 1 to 3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 18/09/2017

PER COURT :

1. Mr.Barlinge, learned Advocate alongwith Mr.Patil vehemently criticize the impugned order dated 21/06/2016 passed by the Tahsildar u/s 5(2) of the The Mamlatdar's Courts Act, 1906.
2. Learned Advocate for the respondents has entered an affidavit in reply contending that this petition is not maintainable.
3. U/s 23(2) of the said Act, a statutory and efficacious remedy is available to the petitioner by filing an RTS Revision before the Additional Collector / Deputy Collector, or as the case may be, before such authority exercising jurisdiction u/s 23(2).
4. Despite the strenuous submissions of Mr.Barlinge, I am not

convinced that a statutory remedy could be by-passed to approach this Court directly.

5. This petition is, therefore, disposed of, without considering it on its merits and the petitioner would be at liberty to prefer RTS Revision. In the event of any delay, the pendency of this petition from 30/11/2016 till the passing of this order, would be a good ground for condonation.

(Ravindra V.Ghuge, J.)