

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

WRIT PETITION NO. 12671 OF 2016

Prabhakar Sitaram Wade and Others ..PETITIONERS

VERSUS

Asaram Rambhau Wade and Others ..RESPONDENTS

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Mr. Y.K. Bobade, Advocate for petitioners.

Mr. G.K. Naik - Thigale, Advocate for Respondent Nos. 1 and 2.

Mr. S.K. Tambe, A.G.P. for Respondent No.3.

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 26th JULY, 2017

ORDER :

1. The petitioners have directly approached this Court against the order passed by the District Superintendent of Land Records, Beed dated 09th December, 2016. A statutory remedy to approach the Deputy Director of Land Records is available and the same has been bypassed.

2. I am not inclined to entertain this petition since a statutory remedy is available and as it is a creation of the statute, the order passed by the District Superintendent of Land Records needs to be scrutinised by the Deputy Director of Land Records.

3. Considering the above, this petition is disposed of by permitting the petitioners to approach the Deputy Director of Land Records by filing an appropriate proceeding alongwith an application for interim relief, if so desire if the said proceeding is instituted within a period of four weeks from today, only then the ad-interim protection granted by this Court staying the order of the District Superintendent of Land Records shall continue for a period of twelve weeks or till the application for interim relief is decided, whichever is earlier.

4. Needless to state, the Deputy Director of Land Records shall consider the application for interim relief as well as the proceedings on its own merits and shall not be influenced only because this Court has granted the ex-parte ad-interim relief to the petitioners on 22nd December, 2016.

5. The time spent by the petitioners from the date of the filing of this petition i.e. 20th December, 2016 till the passing of this order shall be a ground for explaining the delay.

(RAVINDRA V GHUGE, J.)

SSD