

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1112 OF 2018
(Hasan Kalu Navrangabadi Vs. The State of Maharashtra and others)

Mr.Abhishek Kulkarni, Advocate for the petitioner.
Mr.S.K.Tambe, AGP for respondent Nos. 1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 14/02/2018

PER COURT :

1. The petitioner is aggrieved by the order dated 18/12/2017 passed by respondent No.2 without hearing the petitioner.

2. It is pointed out that the same respondent No.2 had passed an order in the proceedings initiated by the petitioner bearing Appeal No.17/2017 which was decided on 21/11/2017. Respondent No.3 was not a party to the said proceedings who approached respondent No.2/ Deputy Collector in CR.No.23/2017 u/s 258 of the MLR Code and within 5 days, without issuing notice to the petitioner, though he was arrayed as a respondent, the impugned order has been passed.

3. Considering Schedule E u/s 247 of the MLR Code, the petitioner can approach the District Collector, Jalna for assailing the impugned order.

4. As such, this petition is disposed of with liberty to the petitioner to take recourse to the available remedy as noted above. The time spent by the petitioner in this Court from 12/01/2018 till the passing of this order shall be excluded from the limitation period, if any, for the abovesaid purpose.

(RAVINDRA V. GHUGE, J.)