

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

WRIT PETITION NO. 7922 OF 2015

MUZZAMIL KHAN CHAND KHAN
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Shaikh Mujtaba Gulam
Mustafa AGP for Respondents: Mr. S P Tiwari

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CORAM : V.K. JADHAV, J.
Dated: April 25, 2018

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PER COURT :-

1. Learned counsel for the petitioner, on instructions, seeks leave to withdraw this writ petition with liberty to prefer an appeal before the appellate authority as against the order passed by the District Superintendent of Land Records, Aurangabad dated 28.8.2014.

2. It appears that, though, District Superintendent of Land Records, Aurangabad has communicated to the petitioner by order dated 28.8.2014 that there is no defect in the consolidation scheme in respect of the survey number 96, however, petitioner may approach the appellate authority, but, the petitioner instead of

approaching the appellate authority, initiated the proceedings before the Tahasildar, who has also turned down his application with the order that the Tahasildar has no power, jurisdiction to entertain such an application concerning the defect in the consolidation scheme.

3. In view of the above, leave granted. Writ Petition is disposed off as withdrawn, with liberty to approach the appellate authority, as permissible in law. In case, if the appeal is preferred before the competent authority within four weeks from today, the appellate authority shall consider the time spent in pursuing this writ petition while entertaining the said appeal preferred alongwith an application for condonation of delay.

(V.K. JADHAV, J.)

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