

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13654 OF 2017

Jitendra Gulabrao Patil

.. **Petitioner**

Versus

Zilla Parishad, Jalgaon and another

.. **Respondents**

Shri Subodh P. Shah, Advocate for the Petitioner.

Shri A. S. Shinde, A.G.P. for Respondent / State Authority.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 9th January, 2018

PER COURT :

1. Mr. Shah, learned advocate for the petitioner submits that the Sub-Divisional Engineer respondent No. 2 did not have any authority, power and jurisdiction to issue the letter directing the Tahsildar, Parola to delete the entry of well from the Revenue Record. The Chief Executive Engineer, in fact directed the respondent No. 2 to verify as to whether the well is dug in the land of the petitioner or the acquired land and thereafter take steps. Without considering all these aspects respondent No. 2 has directly issued letter to the Tahsildar. The same is without authority and not supported by any provisions of law.

2. Mr. Shinde, learned A.G.P. on instructions of the Tahsildar, Parola makes a statement that the entry of well in the land of petitioner is already deleted.

3. In view of that, the petitioner would have a remedy of appeal under Section 247 of the Maharashtra Land Revenue Code, 1966.

4. In case the petitioner files an appeal, the petitioner may agitate all these points raised in the present petition with regard to the authority of respondent No. 2 to issue such a letter to the Tahsildar. All these aspects can be raised in appeal and the appellate authority can consider the same.

5. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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