

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

WRIT PETITION NO. 10725 OF 2018

**EKNATH BAU CHAVAN
VERSUS
THE TAHSILDAR /EXECUTIVE MAGISTRATE CHALISGAON
AND OTHERS**

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Advocate for the Petitioner : Shri P. N. Nagargoje h/f.

Shri D. B. Thoke

AGP for Respondent No. 1 : Shri S. R. Yadav-Lonikar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 26th SEPTEMBER, 2018.

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PER COURT :

1. The petitioner seeks to challenge the order dated 19/09/2017 passed by the Tahsildar, Chalisgaon in the Darkhast Case No.1/2016.

2. The learned AGP points out that when the MLR Code does not specify any remedy of appeal or revision against an order passed under Section 85, an appeal can be preferred under Section 247 to the authority as is mentioned in Schedule 'E' below Section 247. As the impugned order has been passed by the Tahsildar, the petitioner will have to prefer

an appeal before the S.D.O. or Assistant or Deputy Collector as may be specified by the Collector in his behalf.

3. The learned Advocate for the petitioner was called upon to state as to whether he would prefer to avail of the said remedy. He submits that the petitioner shall resort to the remedy available under Section 247.

4. In view of the above, this petition is disposed off with liberty as is prayed for. The time spent by the petitioner in this Court from 24/08/2018 till the passing of this order shall be considered if the issue of condonation of delay arises in the said appeal.

5. Needless to state, the condonation of delay shall be considered by the appellate authority on its own merits.

(RAVINDRA V. GHUGE, J.)

shp/-