

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

10 WRIT PETITION NO. 327 OF 2017

BHASKAR HARIBHAU GIRAM AND ANOTHER  
VERSUS  
ASHOK DNYANDEO GIRAM AND OTHERS

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Advocate for Petitioners : Mr. Tungar Hrishikesh V.  
Advocate for Respondent Nos 1 & 2 : Mr. Jayabhar  
Dattatraya R.  
AGP for Respondent Nos 3 to 5 : Mr. K.N. Lokhande

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**CORAM : S.V.GANGAPURWALA, J.**

**DATE : AUGUST 14, 2018**

**O R D E R :**

Mr. Tungar, learned counsel submits that the petitioners had filed appeal against the order passed by the Tahsildar on 17.6.2014. The appeal is returned back by the Sub-Divisional Officer on the ground that appeal is not tenable and no order has been passed by any of the subordinate Officer.

2. In fact, the Tahsildar has directed for correction of the land record pursuant to the order dated 17.6.2014.

3. Mr. Jaybhar, learned counsel for respondents submits that in fact the petitioners had filed appeal before the District Inspector of Land Records. The said appeal is dismissed. The petitioners have to assail the said order.

4. The learned AGP submits that the Tahsildar had passed order dated 17.6.2014 exercising its powers under Section 155 of the Maharashtra Land Revenue Code.

5. The mutation entry is effected in the C.T.S. record bearing M.E.No. 10320 on the basis of the order passed by the Tahsildar dated 17.6.2014 (Exhibit – E). In view of that, the petitioners had remedy under Section 247 of the Maharashtra Land Revenue Code.

6. It was erroneous on the part of the Sub-Divisional Officer to return back the papers on the

ground that no order exists.

7. In the light of above, the impugned communication dated 29.9.2016 is quashed and set aside. The Sub-Divisional Officer shall entertain appeal filed by the petitioners in accordance with law.

8. The Writ Petition is accordingly allowed.  
No costs.

**[ S.V.GANGAPURWALA, J. ]**

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