

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8607 OF 2016

Shri Mahadeo Anna Jadhav and another. ... Petitioners.

V/s.

Tahasildar, Walwa Taluka, District- Sangli
and others. ... Respondents.

Mr.Pratap Patil for the petitioners.

Mr.Y.S.Khochare, AGP for respondent Nos.1 to 5.

CORAM : A.S.OKA AND M.S.SONAK, JJ.

DATE : 17th October 2018.

P.C.:

This petition under Article 226 of the Constitution of India has been filed by the petitioners for implementation of the judgment and order dated 16th December 2014 passed by the Sub-Divisional Officer in an appeal filed under section 247 of the Maharashtra Land Revenue Code, 1966 (for short “the said Code”).

2. By the said order dated 16th December 2014, the Sub-Divisional Officer set aside the order passed by the Tahasildar dated 14th August 2013 and remanded the matter to the Tahasildar for holding a detailed enquiry in the light of observations made in the judgment and to make necessary corrections in the record. On the basis of the said order, the Tahasildar, Walwa, Islampur passed an order dated 20th July 2015 by which the prayer made by the petitioners was rejected. It is not in

dispute that even the said order dated 20th July 2015 was subjected to a challenge by the petitioners by preferring an appeal and the said appeal has been dismissed.

3. The submission of the learned counsel appearing for the petitioners is that the order dated 20th July 2018 passed by the Tahasildar is illegal and contrary to the order dated 16th December 2014.

4. Under the order dated 16th December 2014, a remand was made to the Tahasildar on the basis of which he has passed the order dated 20th July 2015. Unless the said order of Tahasildar is set aside or modified, the petitioners are not entitled to any relief.

5. Therefore, remedy of the petitioners is to adopt appropriate proceeding for challenging the order of the Tahasildar dated 20th July 2015 as well as for challenging the order of the Appellate Authority.

6. Therefore, no relief can be granted in this writ petition. The petition is disposed of. However, remedy of the petitioners as observed earlier is kept open. All contentions on merit are kept open.

(M.S.SONAK, J.)

(A.S.OKA, J.)