

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.92 OF 2018

Raghunath Gopal Deshmukh	...	Petitioner
V/s.		
The State of Maharashtra and ors.	...	Respondents

Mr.Nitin Gangal i/by Ms Shilpa V. Deshmukh for the Petitioner.
Ms Jyoti Chavan, AGP for Respondent Nos.1 to 3.

CORAM : A.S.OKA & M.S.SONAK, JJ.
DATE : AUGUST 21, 2018.

P.C. :

Not on board. Taken on board.

1. The learned counsel for the petitioner submits that he cannot avail of the statutory remedy under Maharashtra Land Revenue Code, 1966 in view of what is observed in Paragraph No.8 of the judgment and order dated 21st October 2016 passed by a Division Bench of this Court in Notice of Motion No.180 of 2016 in Writ Petition No.1658 of 2012. We have perused the said judgment and order of this Court. All that this Court has done is to direct the second respondent to initiate such action as is permissible in law including attaching the movable and

immovable properties of the third respondent before this Court in the said notice of motion. The contention of the Petitioner is that by the impugned action, his property has been attached and therefore, the attachment is illegal. Notwithstanding the judgment and order of this Court dated 21st October 2016, the issue of illegality of the proposed attachment remains open which can be always gone into by the Authorities under the Maharashtra Land Revenue Code, 1966. Therefore, in view of what is observed above, the Petitioner can always avail the remedies under the Maharashtra Land Revenue Code, 1966. Hence, subject to what is observed above, we dispose of the petition. All contentions of the petitioner are kept open.

(M.S.SONAK, J.)

(A.S.OKA, J.)

.....

**Priya
Rajesh
Soparkar**

Digitally signed
by Priya Rajesh
Soparkar

Date: 2018.08.24
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