

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

WRIT PETITION NO.3300 OF 2019

**MADAN MAHADEV GHOUGHULE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Ganesh V. Mohekar, Advocate for the petitioner
Mr.S.S.Dande, AGP for the respondents/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 06.03.2019

P.C. :-

. Heard learned counsel for the petitioner.

2. Notice issued by respondent No.2 Tahasildar, Washi dated 25.02.2019 prompted the petitioner to approach this Court and circulated the petition claiming urgency.

3. Our attention was invited to the documents placed on record to submit that the proceeding was initiated against the petitioner by office of the Tahasildar, Washi, initially seeking recovery of certain amount due and payable under the provisions of Maharashtra Land Revenue Code. In the earlier round this petitioner had approached this Court by way of writ

petition St. No.39789/2018 challenging notice issued by the Tahasildar dated 23.07.2014 and the interim order was passed by this Court on 28.12.2018 and the petition was subsequently disposed of by order dated 08.01.2019. The facts were brought before this Court namely an appeal alongwith application for stay was filed by the petitioner before the Sub-Divisional Officer. It was heard finally. But before the judgment could be delivered by the Sub-Divisional Officer a notice was issued for attachment of the land. Then it was submitted before this Court that the Sub-Divisional Officer dismissed the appeal on 31.12.2018 and the petitioner immediately approached the Collector by filing the appeal alongwith stay application and the said application was pending before the Collector. Considering this fact the Division Bench of this Court thought it fit to dispose the petition with direction to the parties and the petitioner so permitted to appear before the Collector in pending appeal on 21.01.2019. The Collector was directed to decide the stay petition within a period of 15 days from date of appearance. It was further directed that the order of this Court dated 28.12.2018 would continue till the Collector decides the stay application/petition. It was brought to our notice by placing the documents on record that the Collector proceeded with the matter. The

parties attended the hearing scheduled on 30.01.2019. It was also submitted that on hearing the parties the Collector, Osmanabad closed the matter/s for orders and suddenly Tahasildar issued notice dated 25.02.2019 which was a bolt from the blue for the petitioner. We have directed the learned AGP to take instructions. Learned AGP on instructions submitted before us that issuance of notice dated 25.02.2019 is clearly act bonafide error. Tahasildar, Washi informed the learned AGP that he will not proceed in the mater till the decision of the Collector on the application or the appeal and the parties would abide by the orders/directions of this Court passed earlier. This statement in the communication forwarded to the learned AGP takes care of apprehension of the petitioner as such nothing survives in the petition. The petition is accordingly disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]