

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

WRIT PETITION NO.3531 OF 2019

BANDU BHANUDAS AUTADE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Petitioners : Mr. Vithal H. Dighe
AGP for Respondent/State : Mr. K.S. Patil
Advocate for Respondent No. 5 : Mr. C.R. Thorat

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**CORAM : P.R. BORA, J.
DATED : 12th March, 2019.**

PER COURT:-

1. Not on board. Taken on board.
2. Heard Shri Dighe, the learned counsel appearing for the petitioners and the learned AGP Shri K.S. Patil, appearing for respondent nos. 1 to 4 and Shri Thorat, the learned counsel appearing for respondent no. 5.
3. Perused the order passed by the Additional Divisional Commissioner on 25.02.2019 in Revision Application No. 395/2018. Vide the said order, the learned Additional Divisional Commissioner has partly allowed the revision application filed by the present petitioner and has remitted the matter for re-enquiry in the matter. In the said revision application, Tahsildar Gangapur was one of the respondent. When the learned Additional Divisional

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Commissioner has remitted the matter to the Additional Collector to conduct re-enquiry, the Tahsildar was not having any authority to initiate any further action as envisaged in the communication dated 26.02.2019 under his signature. The action so initiated, therefore, requires to be set aside and is accordingly set aside.

4. The learned Additional Collector, Aurangabad is directed to conduct re-enquiry as directed to him by the learned Additional Divisional Commissioner as expeditiously as possible, preferably within the period of three months. The writ petition stands disposed of in the aforesaid terms.

5. Authenticated copy of this order is permitted.

(P.R. BORA, J.)

Mujaheed//