

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

7 WRIT PETITION NO. 8249 OF 2019

**VIJAYKUMAR PRABHATILAL AGRAWAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Talekar S.B. And Talekar And Associates
AGP for Respondents/State : A. R. Kale.

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ**

DATED : 15th JULY, 2019.

PER COURT:-

1. We have heard Miss. Talekar, the learned Counsel for the petitioners. The learned Counsel submits that under the garb of the exercise of power under Section 257 of the Maharashtra Land Revenue Code, 1966, the Sub Divisional Officer cancelled the mutation entry in favour of the petitioners though the predecessor in title and the petitioners were not party to the proceedings. The learned Counsel submits that in view of the amended provision, the Sub Divisional Officer does not have power to cancel the mutation entry taken 5 years prior is also not considered. According to Miss. Talekar, the learned Advocate the impugned order is without jurisdiction.
2. The learned AGP submits that the petitioners have alternate remedy before the revenue authority.
3. The petitioners can aver the grounds raised in the present petition

before the appellate authority. The appellate authority is bound to consider all the contentions raised by the petitioners.

4. Considering the above, the writ petition is disposed of with liberty to the petitioners to avail alternate remedy. All contentions are kept open. The appellate authority certainly will consider the fact that petitioners were not party to the proceedings under Section 257 of the Maharashtra Land Revenue Code, 1966 and the date of the knowledge of the order to the petitioners. The appellate authority shall endeavor to decide the proceedings expeditiously and preferably within a period of six (06) months from the date of filing of application after hearing all parties concern.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

RS.B.