

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

WRIT PETITION NO.9115 OF 2016

DEELIP BALARAM BEDEKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Shri S.R.Deshpande.
AGP for Respondents 1 to 8 : Shri S.R.Yadav.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th January, 2019

Per Court:

1 I have heard the learned Advocate for the Petitioners and the learned AGP.

2 There is no dispute that the learned Division Bench of this Court had passed an order on 17.02.2016 in Writ Petition No.1816/2016, which reads as under :-

- "1. It would be open for the petitioner to tender a representation to the District Level Committee constituted under the Circular issued by the Divisional Commissioner on 13.02.2015. If the petitioner tenders appropriate representation to the District Level Committee within four weeks, the said Committee shall take appropriate decision within a period of 12 weeks from the date of receipt of representation.
2. With the directions as above, writ petition is disposed of."

3 Considering the above, the Petitioners were given an opportunity to make a representation to the District Level Committee and the said Committee was to take an appropriate decision, which would surely mean that it would take a decision strictly in accordance with the rules, procedure and law applicable.

4 The grievance of the Petitioners is that their matter was referred to the Nayab Tahasildar, who passed an order on 26.07.2016. The District Level Committee does not consists of the Nayab Tahasildar and they could not have sent their matter to him for passing of orders.

5 The learned AGP submits that the District Level Committee has it's own rules and guidelines. The taluka level matters are to be referred to the Sub Divisional Level Committee comprising of the Sub Divisional Officer as it's Chairperson and the Nayab Tahasildar as it's Member Secretary. He, therefore, submits that as the impugned order has been passed by an authority in view of the procedure made applicable in the State of Maharashtra, the Petitioners will have to assail the order before the District Level Committee comprising of the Collector as a Chairperson or the Collector.

6 Though the learned Advocate for the Petitioners is reluctant and prays that this Court should entertain this writ petition, I find that if there is a remedy made available in the form of the District Level Committee or the Collector, this Court need not entertain the writ petition

under it's supervisory jurisdiction.

7 This Writ Petition is, therefore, disposed of with liberty to the Petitioners to file an appropriate application/ revision/ appeal, as is permissible in law, before the Collector within a period of FOUR WEEKS from today. If the Collector is of the view that a proper remedy would be before the District Level Committee of which he is the Chairperson, he can place the said proceedings before the said Committee for adjudication.

8 In the event of any delay, in filing the said proceedings, the time spent by the Petitioners in this Court from 18.08.2016 until four weeks from today, would be considered as a good ground for condonation of delay. The Collector or the said Committee, as the case may be, shall decide the said proceedings expeditiously and in any case, within a period of SIX MONTHS from the date of appearance of all the sides.

9 Needless to state, all the contentions of the Petitioners are kept open to be considered by the Collector or the said Committee, as the case may be.