

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

9 WRIT PETITION NO.1405 OF 2020

CHANDRAKALA PRALHAD PAWALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. R.K. Ashtekar, Advocate for the petitioners.
Mr. S.K. Tambe, A.G.P. for respondent Nos.1 to 3 and 5.

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CORAM : **Rohit B. Deo, J.**

DATE : 31st January 2020.

ORDER :-

. The petitioners are challenging the order dated 28.09.2019 rendered by the Additional Divisional Commissioner, Aurangabad whereby the appeal preferred by the petitioners under Section 257 of the Maharashtra Land Revenue Code, 1966 against the order dated 16.05.2019 passed by the Chief Executive Officer, is rejected.

2. The petitioners have remedy to challenge the order impugned in Revision before the State of Maharashtra.

3. However, learned Counsel for the petitioners is insisting that the petitioners have made out an exceptional and compelling case for this Court to exercise writ jurisdiction without relegating the petitioners to the statutory remedy.

4. I am not inclined to agree with this submission that the petitioners have made out the exceptional case for this Court to entertain the writ petition notwithstanding the existence of statutory remedy. Both the parties below have concurrently held in favour of the respondents. The petitioners are present office bearers of the Grampanchayat who are contending that the disputed property is not owned by the respondents. On the other hand, both the Authorities below have noted that Form-8 records the name of Vitthal Babarao Nagime, who is the grandfather of respondent No.7. A reference is also made to the order in Regular Civil Suit No. 59/1987 and compromise deed dated 15.09.1997. The submission of learned Counsel for the petitioners is that the compromise deed is entered into by the earlier Sarpanch. All these questions need to be looked into not by this Court in writ jurisdiction, but by the Revisional Authority.

5. The petitioners are free to approach the Revisional Authority, if so advised.

6. The petition is dismissed.

(ROHIT B. DEO, J.)