

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1532 OF 2021

**(Charoen Pokphand India Pvt.Ltd., through Authorized Signatory Captain
Rajesh Dandawate Vs. The State of Maharashtra through Sub-Divisional
Officer and another)**

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Mr. Rahil Kazi, Advocate holding for Mr. P.R. Katneshwarkar,
Advocate for the petitioner

Mr. K.B. Jadhavar, A.G.P. for the respondent/State

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CORAM : MANGESH S. PATIL, J.

DATE : 01.12.2021

PER COURT :

Heard learned Advocate MR. Rahil Kazi, holding for Mr. P.R. Katneshwarkar, Advocate for the petitioner and the learned A.G.P.

2. By way of this writ petition, the petitioner is challenging the order passed by the Tahsildar dated 15.09.2020 (Exh-D) whereby in the purported exercise of the powers under Section 45 of the Maharashtra Land Revenue Code, 1966, the respondent Tahsildar has directed the petitioner to pay an amount of more than Rs.20,00,000/- else his lands Gut Nos.114/1, 114/2 and 114/3 would be attached to recover the revenue.

3. During the course of arguments, it transpires that the petitioner has already preferred a statutory appeal under Section 247

against the selfsame order of the Tahsildar before the Sub-Divisional Officer. It is thus quite apparent that the petitioner is simultaneously invoking two remedies to challenge the selfsame order passed by the Tahsildar, one of appeal under Section 247 of the Maharashtra Land Revenue Code and the other the present writ petition. He cannot be permitted to do so.

4. On a query being made on the above lines, the learned Advocate for the petitioner would submit that an application was moved before the learned Sub-Divisional Officer in that appeal praying for stay to the execution and operation of the order of Tahsildar under challenge. He would submit that the learned Sub-Divisional Officer has not decided that application on its own merits, which has caused the petitioner to prefer this writ petition.

5. The learned A.G.P, on instructions, submits that the learned Sub-Divisional Officer would now decide the appeal preferred by the petitioner within four weeks.

6. In view of above, the Writ Petition is dismissed with following directions:

(i) The petitioner shall now appear before the Sub-Divisional Officer on 13.12.2021.

- (ii) There shall be no need for the learned Sub-Divisional Officer to issue any notice to the petitioner.
- (iii) The learned Sub-Divisional Officer shall now decide the appeal preferred by the petitioner within a period of four weeks from today.
- (iv) Till then, the execution and operation of the order under challenge shall stand stayed.

[MANGESH S. PATIL]
JUDGE