

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

WRIT PETITION NO.4250 OF 2020

Anant s/o. Shivajirao Patil,
Age : 44 years, Occ. Occ. Agri.,
R/o. Keshav Nagar,
Latur and ors.

..Petitioners

Vs.

The State of Maharashtra,
Through the District Collector,
Latur and ors.

..Respondents

Mr.A.A.Khande, Advocate for petitioners
Mr.S.P.Tiwari, AGP for respondent nos.1 and 2
Mr.R.S.Deshmukh, Senior Advocate for respondent nos.5 and 6

**CORAM : R.G. AVACHAT, J.
DATE : JANUARY 28, 2021**

PER COURT :-

Heard.

2. The challenge in this Writ Petition is to the order dated 09.03.2020 passed by the Tahsildar, Latur, in Case No.2019/TNC/KAVI-403. Said order has been passed under Section 46 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 ("HTAL Act", for short). Section 90 of the HTAL Act provides for a remedy of

appeal against any order, not an interim order, passed by the Tahsildar under said Act. The petitioners have already preferred an appeal, being Tenancy Appeal No.4 of 2020, against said order to the Collector/appellate Tribunal (under HTAL Act), at Latur. The appeal is pending. In the meanwhile, the Circle Officer, Latur, issued a notice. The notice suggests that it was for execution of the order impugned in this Writ Petition.

3. Since the Collector did not pass any interim order in favour of the petitioners (appellants before the Collector), the petitioners admit to have rushed to this Court and filed the present petition. As such, the facts, undoubtedly, indicate that the equally efficacious alternate remedy has already been availed by the petitioners. The appeal is pending before the competent authority.

4. In the fitness of things, it would not be desirable to entertain the present petition when the issue involved therein has already been *sub judice* before the appellate tribunal under

the HTAL Act. Learned counsel for the petitioners, therefore, came around to withdraw the petition. He further urged for continuation of the interim protection for period of two months, during which period, the Tribunal may do well to decide the appeal on its own merits.

5. In view of the above, the Writ Petition stands disposed of as withdrawn with a direction to the Collector/appellate Tribunal to decide Tenancy Appeal No.4 of 2020, within a period of two months from the date of receipt of a copy of this order.

6. The interim relief granted vide order dated 20.03.2020 in this petition (referenced to the order dated 18.03.2020 passed in Writ Petition No.4212 of 2020) to continue, pending the decision of the Tenancy Appeal No.4 of 2020.

[R.G. AVACHAT, J.]