

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

WRIT PETITION NO. 7600 OF 2020

Bhausahab Maroti Dhokchaule and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

.....

Mr. Sanket S. Kulkarni, Advocate for Petitioners

Mr. S.N.Morampalle, A.G.P. for Respondents No. 1 to 3

Mr. V.P.Latange, Advocate for Respondent No. 4

Mr. P.V.Barde, Advocate for Respondent No. 5

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CORAM : R. G. AVACHAT, J.

DATE : 05-02-2021.

PER COURT :

01. Heard.

02. The challenge in this writ petition is to the Order dated 26.10.2020 passed by Divisional Commissioner, Nashik in RTS Appeal No. 453/2020.

03. By the impugned Order, the Commissioner has held to have no jurisdiction to entertain and try the said appeal. According to him, the petitioners have to prefer an appeal before the authority mentioned in Schedule E, in terms of Section 247 of the Land Revenue Code (M.L.R.C,

1966).

04. The petitioners preferred the appeal against the Order dated 30.8.2018 passed by Sub Divisional Officer, Shirdi cum Chairman of the committee constituted vide circular issued under Maharashtra Agricultural Lands (Ceilings on Holdings) Act of 1961.

05. The circular dated 18.9.2015 is in the nature of corrigendum to the circular dated 4.5.2012 under the revised circular dated 18.9.2015, it has been stated that the local committee would make recommendation for allotment of the land to Khandkaris. The decision of the Collector in that regard would be final. If anybody who feels aggrieved by said decision, may have remedy of appeal in terms of Section 247 of M.L.R.C., 1966.

06. Both Mr. Barde, learned Counsel and learned A.G.P. rely on this circular to submit that the petitioners have a remedy of appeal before the Collector.

07. In view of the above, the petition stands disposed of. The petitioners have an alternate remedy in the nature of an appeal before the Collector. Interim

protection granted vide the Order dated 28.10.2020 to continue for a period of 3 months from the date of this order.

08. Writ petition stands disposed of.

[R.G.AVACHAT]

JUDGE

Dahibhate/-