

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

923 WRIT PETITION NO.11257 OF 2021

BABASAHEB RAMLING EKSHINGE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioners : Mr. S. S. Thombre.

AGP for Respondent/State: Mr. S. B. Pulkundwar.

...

CORAM : **S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 12th October, 2021.

PER COURT:

. Mr. Thombre, learned counsel submits that the proceedings filed before the Sub-Divisional Officer are misuse of the power and authority of the Sub-Divisional Officer. The Collector has already decided the issue. In view of that the subordinate officer could not have entertained the appeal under Section 247 of the Maharashtra Land Revenue Code with regard to the mutation entry. Though the Sub-Divisional Officer has stayed the proceedings, the Sub-Divisional Officer in fact ought to have, at the outset, rejected the said proceedings as not maintainable. He cannot sit over the orders passed by the superior authorities.

2 Entertaining the proceedings would be abuse of process of law.

3 The learned AGP appears for respondent Nos.1, 2 and 3.

4 The Sub-Divisional Officer has stayed the proceedings till the decision of MRT. The matter pending before the MRT is not disputed. The MRT would decide the rights of the parties and the issue before it conclusively.

5 In case, the Sub-Divisional Officer proceeds further, then the petitioner may make a grievance to that effect. At present no orders are passed by the Sub-Divisional Officer in the appeal filed by respondent Nos.4 to 7. The Sub-Divisional Officer has stayed the proceedings till the decision of MRT. Certainly the orders passed by the MRT will have its own efficacy. The petitioner can bring this fact to the notice of the Sub-Divisional Officer, if the Sub-Divisional Officer is proceeding ahead with the matter.

6 As at present the proceedings are already stayed till the decision by the MRT, it is not necessary to interfere at this stage.

7 With aforesaid observations, writ petition is disposed of.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]