

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

WRIT PETITION NO.1031 OF 2022

Ramesh S/o Dudha Jadhav
and others

... Petitioners

Versus

The State of Maharashtra
and others

... Respondents

....

Mr. B.V. Thombre, Advocate for the Petitioners

Mr. S.B. Yawalkar, Addl. G.P. for Respondent Nos.1 to 5

....

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 19th JANUARY, 2022

PER COURT:-

1. Mr. Thombre, learned counsel for the petitioner submits that in the year 1969 the issue of tenancy was already determined between the original landholder and the alleged tenant. The petitioner is the purchaser of that property. After 50 years, the tenant has taken up the same issue and the Tahsildar has passed the order on 26.06.2018 directing to issue the tenancy certificate. The petitioner has filed an appeal before the Additional Collector. The learned counsel submits that in the present writ petition, the petitioner is seeking a writ of prohibition against the authority from deciding the proceedings of the issuance of tenancy certificate.

2. The petitioner has already filed an appeal against the order of tenancy certificate dated 26.06.2018 issued by the Tahsildar. The appeal is pending before the Additional Collector. The grounds that are raised in this petition are also raised before the appellate authority. The appellate authority is already seized with the matter. Naturally, all the grounds raised by the appellant have to be considered by the appellate authority while deciding the appeal.

3. As the petitioner has already resorted to the remedy of appeal for the same purpose, the present writ petition cannot be entertained.

4. The petitioner may agitate all the grounds raised in the present writ petition in the appeal before the appellate authority.

5. The writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P Rane