

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

WRIT PETITION NO.4708 OF 2022

**PRABHAKAR BAPURAO CHITALKAR AND OTHERS
VERSUS
COMMITTEE CHIEF (SAMITI PRAMUKH) AND OTHERS**

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Advocate for Petitioners : Mr. Nandkumar Y. Kingaonkar
AGP for Respondents – State : Mr. S. N. Kendre
Advocate for Respondent No.4 : Mr. D. R. Shelke

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 05th MAY, 2022

PER COURT :

1. The petitioners are aggrieved by the order passed by the Committee Chief, Changdeonagar Mala and Sub Divisional Officer, Shirdi under Section 28(1)AA Sub-Section (3) of the Maharashtra Agricultural Lands (Ceiling On Holdings) Act, 1961. The learned Assistant Government Pleader questioned the maintainability of the present petition on the ground that remedy under Section 247 of the Maharashtra Land Revenue Code, 1966 is available to the petitioners by filing Appeal before the Additional Commissioner. The learned Assistant Government Pleader further states that since the impugned order is passed by the Committee of Collector, Sub-Divisional Officer and Tahsildar the same can be challenged before the Divisional Commissioner.

2. The learned advocate for petitioners states that he tried to approach the Commissioner by filing appeal, however, his appeal was not accepted and no written order is passed rejecting the appeal.

3. The writ petition is disposed off by directing the petitioners to avail remedy under Section 247 of the Maharashtra Land Revenue Code. If such appeal is filed, the same shall be decided on its own merits. Pendency of this petition in this Court shall be taken into consideration at the time of consideration of delay in filing appeal.

4. Parties shall maintain the *status quo* for a period of two weeks.

(NITIN B. SURYAWANSHI, J.)