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

60 WRIT PETITION NO.9578 OF 2021

SAMPAT MAHADU PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. S.B. Tarde , Advocate for petitioner;
Mr. S.R. Yadav-Lonikar, A.G.P. for respondent nos.1 to 7

**CORAM : A.S. GADKARI
AND
S. G. MEHARE, JJ.**

DATE : 10th January, 2022

P.C.

1. Petitioner is having substantive remedy under the provisions of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 for seeking restoration of possession of alleged lands. Without adopting the said procedure, petitioner has filed a complaint with the Tahsildar, Parner for restoration of land and is now seeking a writ of mandamus for direction to consider the said representation.

2. We are not in agreement with the arguments advanced by the learned counsel for the petitioner as the petitioner has not availed substantive statutory remedy available

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under the said Act.

3. In view thereof, by reserving the remedy of the petitioner to adopt appropriate legal proceedings under the provisions of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974, we refrain ourselves from granting reliefs to the petitioner in the present petition.

4. Petition is accordingly disposed off with the aforesaid liberty.

(S. G. MEHARE, J.)

(A.S. GADKARI, J.)

amj