

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

282 WRIT PETITION NO.10005 OF 2022

DHANANJAY BHIMRAO BANGE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH PRINCIPAL SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. S. C. Yeramwar, h/f Mr. S. G. Joshi.

AGP for Respondent/State: Mr. S. G. Karlekar.

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CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.

DATE : 14th November, 2022.

P.C.:

1. The petitioner has put forth prayer clauses 'B', 'C' and 'D' as under :-

"B) For the writ of mandamus or any other writ, order or direction in the like nature and thereby directing the respondent no. 2 to decide the representations dated 07/01/2022, 15/08/2019 06/08/2018, 22/08/2016, 29/01/2016 filed by the petitioner in accordance with the Government Resolutions 04/08/2004 and 16/11/2012.

In the Alternate

C) The communication dated 12/06/2012 issued by Chief Executive Officer, Jalna, address to Secretary, Rural Development and consequential orders thereon may be quashed and set aside.

D) The consequential Mutation entry no. 986 may be quashed and set aside and be restored the Mutation entries no. 689 & 536 of petitioner and his father.”

2. The learned advocate for the petitioner submits, on instructions, that the prayers made in the alternative viz (C and D), the same may be treated as deleted.

3. The learned advocate for the petitioner submits that the pending representations may be decided by respondent No.2 in the light of prayer clause ‘B’.

4. The learned AGP submits that it would be a futile exercise to deal with these representations since the petitioner is actually challenging the mutation entries and the statutory remedies are available to him.

5. In view of the above, this petition is disposed off.

6. Let respondent No.2 consider the last representation of the petitioner dated 7th January, 2022. In the event, respondent No.2 has jurisdiction and the power statutorily vested in it by law, it may consider the said representation on its own merits, on or before 15th February, 2023. In the event, it has no jurisdiction and a statutory remedy is

available, respondent No.2 would guide the petitioner to approach the appropriate authority for the redressal of his grievance.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]