

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13467 OF 2021

DATTA TUKARAM SHINDE
VERSUS
THE DISTRICT COLLECTOR AND OTHERS

Mr.D.K.Rajput, Advocate for the petitioner.
Mr.A.A.Jagatkar, AGP for State.

(CORAM : BHARATI H. DANGRE, J.)

DATE : FEBRUARY 2, 2022

PER COURT :

1. Heard the learned counsel for the petitioner, who is aggrieved by an order of remand passed by the S.D.O. on 27/07/2021. When specifically asked as to what is the prejudice caused to the petitioner if the matter is remanded back, the learned counsel states that the earlier panchnama dated 14/03/2013 and the subsequent panchanma dated 17/03/2017, ought to be considered, since it reflect the existence of the right of way in favour of the petitioner and the other villagers also, since the submission of the petitioners is to the effect that this road connect the distinct villages. In any case, if the matter is remanded back to the Tahsildar for enquiry, on merits, needless to state that the

petitioner shall also have a right to project his case before the concerned authority. The learned counsel for the petitioner states that this is for the second time, the matter is remanded back.

2. In the wake of the above, the interest of justice would be served if the petitioner is permitted to participate in the re-enquiry as no prejudice would be caused to him by the remand order and all the rights and contentions of the petitioner shall be agitated before the Tahsildar including the panchnamas on which he seeks a reliance. However, since the proceedings are lingering for long time, the Tahsildar, Gevrai is directed to conclude the enquiry as directed by the S.D.O. Beed by his order dated 27/07/2021 within a period of 3 (three) months from today.

3. With the aforesaid directions, writ petition is disposed off.

(BHARATI H. DANGRE, J.)