

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO.13211 OF 2022

SALIM MUSTAFA SAYYED
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Patil Indrale Anand V.
AGP for the respondent – State : Mr. A.S. Shinde
...

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : 22 DECEMBER 2022

PC :

Leave granted to delete the respondent no. 5.

2. Heard. Notice.

3. Learned AGP waives service on behalf of respondents nos. 1 to 4.

3. The petitioner is aggrieved by the order passed by respondent no. 3 – Additional Collector in purported exercise of section 226 of the Maharashtra Land Revenue Code, 1966 thereby transferring the revenue matter in respect of the mutation entry no. 2750 mentioned in the impugned order dated 05-09-2022 from the respondent no. 4 – Tahsildar, Udgir to Tahsildar, Jalkot.

4. It appears that, the impugned order was passed on a request by an individual but a copy of the order passed by the respondent no. 4 – Tahsildar. Udgir placed on record dated 17-02-2022 demonstrates that revenue case was already decided by Tahsildar, Udgir on 17-02-2022 and the impugned order regarding its transfer has been passed on 05-09-2022.

5. It is apparent that after the decision by the respondent no. 4, by the impugned order, the matter has been directed to be transferred which could not have been. Needless to state that once the respondent no. 4 – Tahsildar has passed an order, the order was susceptible to an appeal under section 247 of the Maharashtra Land Revenue Code, 1966. Power of transfer has been exercised apparently oblivious of the fact that the matter was already decided by respondent no. 4.

6. We quash and set aside the impugned order. Writ petition is disposed of accordingly.

[Y. G. KHOBRADE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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