

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO. 1433 OF 2022

Shri Manoj s/o Kisanlal Kariya

-- Petitioner/s

Vs.

State of Maharashtra & Ors.

-- Respondent/s

Mr. Manoj Kariya, Advocate for the Petitioner.

Mr. A.A. Madiwale, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : NITIN JAMDAR &
ANIL L. PANSARE, JJ.**

DATE : 16 MARCH 2022

P. C. :

Heard the learned Counsel for the parties.

2. This petition is filed seeking direction to the Respondent – Tahsildar to decide the Revenue Case. The grievance of the Petitioner is that even though the Petitioner has approached this Court earlier, whereby he was directed to approach the Collector, which he did and that the Collector has informed the Tahsildar to proceed with the enquiry and dispose of the same at the earliest, no steps are being taken.

3. The Petitioner has invoked Section 10 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter “the Act”). Section 10 of the Act cannot be read in

isolation, as Section 11 of the Act makes the provision of Section 10 of the Act inapplicable to certain matters such as *quasi* judicial matters.

4. The Petitioner had applied to carry out entry in the Revenue record on the basis of the sale-deed, which is objected by the original owner. The Roznama is annexed, which shows that on some dates, the applicant has remained absent. The first date is of October – 2020, and thereafter, dates have been given up to 10 June 2021. Thereafter, the Petitioner has filed the Writ Petition making various complaints.

5. Considering the fact that the objection is raised by the owner, the Tahsildar will have to carry out an enquiry. The Petitioner's attempt is, by way of this petition, to speed-up the enquiry, which will be prejudicial to the affected party. After the enquiry is carried out and any order is passed, the parties have remedy of filing an Appeal.

6. We decline to issue any writ of mandamus, since we do not find that there is any gross failure on the part of the Tahsildar, who is carrying on an adversarial enquiry, and who has other public duties to attend.

7. The Writ Petition is accordingly rejected.