

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

WRIT PETITION NO.4084 OF 2017

Dhondopant alias Haribhau s/o Keshaorao Paithankar

Vs.

Prakash Vitthalrao Paithankar and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.R. Deshpande, Advocate for petitioner
Mrs. S.W. Deshpande, Advocate for respondent no.1.
Shri Amit Madiwale, AGP for respondent no.2/State.

CORAM : AMIT BORKAR, J.

DATE : AUGUST 19, 2022.

The order impugned in the present petition is passed by the Deputy Director, Land Records, Amravati Division, Amravati granting liberty to respondent no.1 to file appeal against the order of finalization of scheme under the provisions of Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947. According to petitioner, such liberty creates rights in favour of respondent no.1 to file appeal and reopen the proceedings which has attained finality.

2. In my opinion the apprehension expressed by the petition is misplaced. The only purport of the order impugned is to grant liberty to respondent no.1 to adopt legal remedy if otherwise it is available in accordance with provisions of law. Such a liberty does not create any right in favour of respondent no.1 to reopen the proceedings as of right. If such an appeal is filed by respondent no.1, the

authority before whom such appeal is filed, is entitled to entertain the appeal if such appeal is otherwise maintainable in the eyes of law. With this clarification, nothing remains to be adjudicated in the present petition. The petition is, therefore, disposed of. No costs.

JUDGE

Wagh