

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 8127 OF 2022

Hiralal Ganpatsav Juitgude and anr.

..vs..

State of Maharashtra, thr. Tahsildar and ors.

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

Court's or Judge's orders

Shri Pratik Lohambare, Advocate a/w Shri S.T. Chavhan,
Advocate for the petitioners.

Mrs. Khan, A.G.P. for respondent no. 1.

CORAM : VINAY JOSHI, J.

DATED : 20/12/2022.

Heard.

2. The petitioner has challenged the order of the Tahsildar dated 21.11.2022 passed in terms of Section 143 of the Maharashtra Land Revenue Code (the MLR Code). It is the petitioner's contention that without giving a right of hearing, the order has been passed.

3. Learned A.G.P. has objected to the very maintainability of petition on account of alternate remedy of filing of appeal in terms of Section 247 of the MLR Code as well as Section 143(3) of the MLR Code providing the remedy of civil suit.

4. Learned Counsel for the petitioner would submit that initially similar order was passed by the Tahsildar which was confirmed by the Sub Divisional Officer. Thereafter, the Collector has remanded the matter back to the Tahsildar on which the impugned order has been passed. He expressed fear that the

same Sub Divisional Officer would repeat the things and therefore, he has invoked the writ jurisdiction. As a matter of fact that, a statute provide an alternate efficacious remedy unless exceptional circumstances are made out, writ jurisdiction cannot be invoked. In earlier round of litigation, the petitioner has rightly filed an appeal to the Sub Divisional Officer which course he can adopt. The impugned order also speaks about the remedy which was available to the petitioner.

5. In view of that there is no reason to entertain the petition. In view of above, petition stands disposed of.

6. The petitioner is at liberty to resort the available legal remedies. The parties shall maintain *status-quo* for the period of one week from today.

(VINAY JOSHI, J.)

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