

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1563 OF 2023

**RAJESH MAHADEV SHELKE THROUGH GENERAL POWER ATTORNEY
ATUL ASHOK SOMVANSHI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE ADDITIONAL DISTRICT
COLLECTOR AND OTHERS**

...

**Advocate for Petitioner : Mr. Ganpat Niranjana Chincholkar
AGP for Respondents: Mr. P.K. Lakhotia.**

**CORAM : MANGESH S. PATIL
& S.G. CHAPALGAONKAR, JJ.**

DATE : 9 FEBRUARY 2023

P.C.:-

The petitioner is before this Court, merely seeking an early decision of the appeal preferred by him and pending before the Additional Collector which is numbered as case No. 00156 of 2022.

2. Learned AGP vehemently submits that the appeal is not maintainable. He points out that though the appeal has been styled as one under Section 247 of the Maharashtra Land Revenue Code, 1966, the appeal memo does not disclose the fact that the petitioner's application under Section 251 of that Code, seeking condonation of delay, itself was rejected by the SDO. He submits that the appeal memo has been drafted as if, for the first time, the petitioner is soliciting some order.

3. We cannot go into the question of maintainability of whatever proceeding that the petitioner has instituted and which is pending before the Additional Collector, Osmanabad, which has already been numbered. It would always be open for the authority to consider all the aspects including the maintainability of the appeal.

4. We dispose of the petition, by directing the respondent No.1 to decide the petitioner's aforementioned proceeding, as expeditiously as possible and in any case, within six months.

[S.G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

grt/-