

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

904 WRIT PETITION NO. 1492 OF 2023

VASANT WAMAN SHINKAR [WANI] & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Advocate for the petitioners : Mr.D.B.Thoke
AGP for Respondent-State : Mr.K.N.Lokhande
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 09.02.2023

P.C. :

1] Heard the learned counsel for the petitioners.
The learned counsel for the petitioners submits that the Tahsildar has acted far beyond his jurisdiction and has not given proper opportunity to the petitioners to defend their case.

2] However, it is seen from the impugned order that the right of appeal is available to the petitioners.

3] It is the contention of the petitioners that the impugned order is passed without considering the

contentions raised by the petitioners before the Tahsildar and without calling upon the documents in respect of excavation in Gat No.305.

4] The petitioners are permitted to raise all the issues in the appeal, which are raised before this Court in the present Writ Petition, and also, which were raised before the Tahsildar.

5] If the petitioners file an appeal before the appellate authority, the Appellate Authority is directed to consider all the issues raised by the petitioners in the appeal.

6] All the contentions are kept open.

7] Needless to mention that the time spent in prosecuting the present Writ Petition would be excluded under Section 14 of the Limitation Act for computing the period of limitation in filing the appeal before the appellate authority.

8] The Writ Petition is disposed of with liberty as
aforesaid.

[ARUN R. PEDNEKER]
JUDGE

DDC