

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

WRIT PETITION NO. 4122 OF 2021

Prakash Mahadu Ingle .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Gaurav L. Deshpande, Advocate for the Petitioner.
Shri A. R. Kale, A.G.P. for the Respondent Nos. 1 to 8.

**CORAM : S. V. GANGAPURWALA, ACJ &
S. G. CHAPALGAONKAR, J.**

DATE : 24TH MARCH, 2023.

FINAL ORDER :

. We have heard Mr. Deshpande, learned counsel for the petitioner.

2. Mr. Kale, learned Assistant Government Pleader for respondent Nos. 1 to 8 submits that the petitioner has an alternate remedy available.

3. According to the learned counsel remedy under Section 247 of the Maharashtra Land Revenue Code, 1960 (for short M. L. R. Code) would not be permissible.

4. Be that as it may, if according to the petitioner remedy under Section 247 of the M. L. R. Code is not available, the petitioner can take up the proceedings under the provisions of

the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

5. In the light of above writ petition is disposed of with liberty to the petitioner to avail alternate remedy as may be permissible in law. In that event all contentions are kept open. No costs.

6. Needless to state the petitioner may agitate before the authority about the time spent in prosecuting the present petition.

[S. G. CHAPALGAONKAR, J.]

[ACTING CHIEF JUSTICE]

bsb/March 23