

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

71 WRIT PETITION NO.2747 OF 2023

Kamalkishore Ghanshyamdas Choudhary **...PETITIONER**

VERSUS

1. The State of Maharashtra **...RESPONDENTS**
2. The Sub-Divisional Officer,
 at Hingoli
3. The Tahasildar, Hingoli
4. The Circle Officer, Balsond,
 Hingoli
5. The Talathi Sajja, Balson,
 Hingoli
6. Ganeshprasad Ghanshyamdas Choudhary
7. Anandkumar Ganeshprasad Choudhary
8. M/s. G. R. Choudhary and Company
 through its partners respondent Nos.6 and 7

Mr. S. G. Dodya, Advocate for the petitioner
Mr. S. B. Pulkundwar, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 28th JULY, 2023

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1. The petition is filed aggrieved by the order passed by

the Sub-Divisional Officer, Hingoli dated 10-02-2023.

2. The case of the petitioner is that the Tahasildar, Hingoli had passed the order under Section 155 of the MLR Code whereby correction was made in 7/12 extract. The learned SDO by way of impugned order disposed off the appeal assigning the reason that since the order under Section 155 is to be exercised by the learned Collector and therefore, the learned Collector, Hingoli has delegated his power to the Tahasildar, Hingoli. Exercise of such power by the Tahasildar or by the Talathi becomes exercise under the authority delegated to them by the learned Collector.

3. In view of this, the appeal was directed to be filed before the Divisional Commissioner Revenue.

4. Learned advocate for the petitioner submits that in fact when the order is passed by the Tahasildar, he has every right to file an appeal before the Sub-Divisional Officer being superior officer of the Tahasildar as per schedule given in MLR

Code.

5. Learned AGP submits that powers are delegated by the learned Collector in favour of the Tahasildar under Section 155 of MLR Code. He relies upon the Government Resolution dated 04-07-1990 and submits that by way of circular learned Tahasildars are assigned the work to approve the corrections made by the Talathi online. He submits that thus, the learned Sub-Divisional Officer has rightly passed the order directing the petitioner to approach the Divisional Commissioner by way of appeal.

6. Considering the above, this court finds that no case calling for interference is made out. Hence, the petition stands disposed off.

8. Time consumed in prosecuting this petition will be considered by the learned Divisional Commissioner while considering the application for condonation of delay.

[KISHORE C. SANT, J.]