

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

**45 WRIT PETITION NO.5718 OF 2022**

**DNYANOBA DHONDIRAM SUKALE DIED THROUGH LRS  
SUBHADRA BAI DYANOBA SUKALE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Vikram S. Undre, Advocate for the petitioner  
Mr. P. V. Jadhavar, Advocate for the respondent No.4  
Mr. S. B. Pulkundwar, AGP for the respondents/State

**CORAM : KISHORE C. SANT, J.**

**DATE : 19<sup>th</sup> JUNE, 2023**

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1. Heard.

2. Limited grievance of the petitioner is that when the petitioner had filed only an application for bringing legal heirs on record in the proceeding before the learned Additional Collector, Osmanabad bearing No.2011/RTS/59/357, the learned Additional Collector, Osmanabad has rejected the appeal of the appellant without giving an opportunity.

3. Learned advocate for the respondent vehemently opposed the petition pointing out that there is an alternative remedy available to the petitioner by way of filing revision before the learned Divisional Commissioner.

4. Learned AGP also submits that the petition need not be entertained in view of availability of alternative remedy.

5. On going through the arguments and the petition paper book this court finds that the appeal was only at the stage of considering grant of stay. However, said was reserved for orders. However same came to be decided finally by order dated 31-12-2021. In the judgment he has reproduced contents of the application that was filed for bringing legal heirs on record in para No.4. The submissions are recorded in copy-paste manner. No reason is assigned while rejecting the appeal.

6. This court finds that since the petition is pending since March, 2022 in this court, it can be disposed off by

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directing the learned Additional Collector, Osmanabad to decide the appeal No. 2011/RTS/59/357 afresh.

7. Needless to say that impugned order dated 31-12-2021 is quashed and set aside passed in Appeal No.2011/RTS/59/357.

8. The petition stands disposed off in above terms.

**[KISHORE C. SANT, J.]**

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