

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

27 WRIT PETITION NO.5583 OF 2022

Sopan Bhausaheb Abuj,
Age; 54 years, Occ; Agriculturist,
R/o; Bhokar Tq. Shrirampur,
District; Ahmednagar.

...Petitioner

Versus

1. The State of Maharashtra,
Through the Secretary of Ministry
of Revenue, Mantralaya,
Mumbai – 32.
2. The Deputy Commissioner (General
Administration),
Divisional Commissioner Office,
Nashik, Tq. & Dist. Nashik.
3. The Sub Divisional Officer,
Sub Divisional Office, Shrirampur
Division, Shrirampur,
Tq. Shrirampur, Dist.Ahmednagar.
4. The Tahsildar,
Tahsil Office, Shrirampur
Tq.Shrirampur, Dist.Ahmednagar.
5. Govind Murlidhar Shinde (Dead)
- 5-A. Mirabai Govind Shinde,
Age; 51 years, Occ; Household,
- 5-B. Dnyaneshwar @ Popat Govind Shinde
Age; 26 years, Occ; Labour,
- 5-C. Sopan Govind Shinde
Age; 27 years, Occ; Labour,

All R/o; Karegaon, Tq. Shrirampur
Dist. Ahmednagar.

5-D. Archana Narayan More,
Age; 24 years, Occ; Labour,
R/o; Shirasgaon, Tq. Shrirampur,
Dist. Ahmednagar.

6. Dnyaneshwar Bhausaheb Abuj
Age; 57 years, Occ; Agriculturist,

7. Sanjay Bhausaheb Abuj,
Age; 53 years, Occ; Agriculturist,

Respondent Nos. 6 & 7
R/o; Bhokar, Tq. Shrirampur,
District; Ahmednagar.

8. Asha Bhagchandra Khurud,
Age; 59 years, Occ; Agriculturist,
R/o; S.T. Colony, Rahuri, Tq. Rahuri,
District; Ahmednagar.

9. Pramila Adinath Padole,
Age; 50 years, Occ; Agriculturist,
R/o; Matapur, Tq. Shrirampur,
Dist. Ahmednagar.

...Respondents.
(Respondent Nos. 6 to 9
are the formal parties.)

...
Advocate for Petitioner : Mr.Lavte Amar Vinayakrao and Mr.
B.A.Fulare

AGP for Respondent Nos. 1 to 4/State : Mr.K.B.Jadhavar
Advocate for Respondent Nos. 5 (A) to 5 (D) : Mr.Chormal Ajit B.
Advocate for Respondent Nos. 6 to 9 : Mr.Temak Rahul B.

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CORAM : KISHORE C. SANT, J.

DATE : 27.07.2023.

PER COURT :

1. At the outset the learned Advocate for the

respondent No. 5A and 5B raises an objection as to the maintainability of this petition. He points out that the order passed by the Hon'ble Minister, State of Maharashtra it is held that a remedy of the petitioner lies before the MRT and therefore, has disposed off the proceeding before him. The challenge before the Minister was to the order passed by the learned Tahsildar under the provisions of the Maharashtra Restoration of Lands to the persons from the Scheduled Tribes. Wherein, a specific remedy is provided to approach the MRT challenging the orders passed by the Tahsildar. The learned Advocate for the respondents has rightly placed reliance on the judgment reported in (2012) 5 Mh.L.J. 361 in the case of Vimalbai w/o Janardan Mahure and Anr. Vs. State of Maharashtra and Anr. The Division Bench of this Court at Nagpur Bench has held that in view of specific remedy provided under the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974, the general remedy provided under the Land Revenue Code would not be available to the parties. This Court finds substance in the said submission.

2. The learned Advocate for the petitioner also does not

dispute this proposition. His only concern is that since there is already interim relief running in his favour, same be continued till the period he approaches the M.R.T.

3. The learned AGP also supports the submission of the learned Advocate for the respondent Nos. 5A and 5B.

4. In view of the above, the petition stands disposed off by continuing interim protection that was granted to the petitioner by way of order dated 27.05.2022 by this Court for a period of three weeks from today. It is for the MRT to consider the same after the petitioner approaches MRT and files a stay application.

(KISHORE C. SANT)
JUDGE

mahajansb/