

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

906 WRIT PETITION NO.5173 OF 2023

ASHISH CHANDRAKANT AGARKAR AND OTHERS
VERSUS
SANDEEP BHANUDAS KOTKAR AND OTHERS

...

Advocate for Petitioners: Mr. Dixit Sushant V.
AGP for Respondent/State: Mr. K. B. Jadhavar
Advocate for Respondents No.1 to 3:
Mr. R. A. Tambe

...

CORAM: ARUN R. PEDNEKER, J.

DATE: 04th MAY, 2023

PER COURT:

1. There is an alternate remedy available to the petitioners to challenge the impugned order passed by the Tahsildar, Ahmednagar and the appeal is preferable under section 74 to the Collector.

2. In view of the same, the petition is disposed of with liberty to the petitioners to file appropriate proceedings to challenge the impugned order. The learned counsel for the petitioners submits that, in the interregnum, stay be directed till he files appeal. However, it is not possible to grant such a relief when I am not entertaining the petition.

3. However, the statement is made by the contesting respondents no.1 to 3 that they would not execute the orders passed by the Tahsildar for the period of one (01) week from today. The statement is taken on record.

4. In the event, the proceedings are filed before the collector, the collector to decide the proceedings expeditiously and in any event at least decide the stay relief application, as expeditiously as possible.

5. The collector should not be influenced by any part of the order as none of it is on the merits of the matter.

6. The statement made by the petitioners is only for a period of one (01) week.

7. The writ petition is disposed of.

[ARUN R. PEDNEKER, J.]