

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

903 WRIT PETITION NO.5424 OF 2023

PRAKASH AATMARAM MORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Patil Indrale Anand Vinayakrao
AGP for Respondents/State : Mr. S.K. Tambe
Advocate for R/6 & 7 : Mr. Abhaysinh Bhosle
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.**
DATE : 6th June, 2023

PC. :-

1. In a particular scheme, the petitioner has already been allotted plot no.58 in gut no.452 vide a resolution passed in the meeting dated 25.01.1997. The Tahsil Office appears to have made a recommendation to the S.D.O., Erandol dated 23.08.2022, expressing it's view that the request for change of plot, so as to grant plot no.172 in gut no.162, can be considered. The learned advocate for the petitioner submits that the said plot is available.

2. The learned AGP submits that there is no inherent right for the petitioner to seek change of plot and more so identify a different plot as if he had a free choice to select that plot in exchange. Moreover 26 years have lapsed. The learned AGP, therefore, submits that this petition be dismissed.

3. We find from the communication dated 23.08.2022 that the Tahsil office had responded to a letter from the office of S.D.O., Erandol dated 24.06.2022 and the report of the Circle Officer, Uttranbhag dated 26.07.2022.

4. In view of the above, this petition is **disposed off** with the expectation that the S.D.O., if he is vested with jurisdiction in accordance with law, would take a call on the said communication dated 23.08.2022. Before he arrives at a decision, he would ensure that the Gram Panchayat Talai DSWO, Zilla Parishad Jalgaon and the Block Development Officer, Erandol or any other person who may appear to be a stake holder, are issued with notice for hearing. After following the due procedure laid down in law and after conducting a hearing, an appropriate reasoned order may be passed.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]