

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

33 WRIT PETITION NO.10133 OF 2023

**RAJENDRA AMBADAS KHAIRNAR AND OTHERS
VERSUS
KANTILAL PANDURANG BIRARI AND ANOTHER**

Mr.Sanket Kulkarni h/f. Mr.R.P. Dhase, Advocate for the petitioners.

**CORAM : KISHORE C. SANT, J.
DATED : 18.08.2023**

PC :-

01. Heard learned Advocate for the petitioners. The only grievance of the petitioners is that while deciding the appeal the learned D.I.L.R. Nashik Region, Nashik has not passed any specific order. The wording shows that since the matter was subjudice before Civil Court and as same is not as per section 249 of the Maharashtra Land Revenue Code, 1966, the appeal is kept for order without any action. From clause (2) it is seen that the authority has already made it clear that such order can be challenged within 90 days before the Government. In this view of the matter, this Court finds that the petitioner can very well approach the Government and raise grievance. From the order it is further seen that the order is passed on 24.05.2021, whereas the petition is filed after three years i.e. on 13.07.2023.

02. In view of above, this Court finds that this writ petition need not be entertained on both these grounds. It is made clear that the petitioners are at liberty to approach the State Government. The State Government may consider the appeal, if satisfied on the ground of delay. Time from 13.07.2023 till this order shall be considered as time spent in prosecuting the remedy.

03. With this, the writ petition is disposed off with no order as to costs.

[KISHORE C. SANT, J.]