

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8643 OF 2021

Annappa Jyoti Khade & Ors.

... Petitioners

Versus

The Deputy Collector (Rehabilitation) Kolhapur,
Dist. Kolhapur & Ors.

... Respondents

Mr. Nitin P. Deshpande for the petitioner.

Mr. Rajan S. Pawar, AGP for the State.

CORAM: G. S. KULKARNI &
JITENDRA JAIN, JJ.
DATED: 19 July, 2023

P.C.

1. The petitioners are aggrieved by the order dated 8 July, 2021 passed by the Sub-Divisional Officer, Gadhinglaj Division, District Kolhapur, the operative part of which reads thus:

(Official translation portion of Marathi typewritten)

“In pursuance of your application, the Committee, under the chairmanship of the Additional Collector, has taken a decision as under:

You have requested to rectify the balance area shown at Sr. No.90 in the Register of Collection maintained at Village – Honyali, Taluka – Aajra as 0.08 Hectare- Are instead of 0.75.1 Hectare-Are and also to open a separate account. On examination of the documents submitted by you, it is seen that the entry viz. Mutation No. 319-A and 319-a, has been made twice and as the same pertains to different Khata Holders, the said Mutation Entry is suspicious. It is seen that the Mutation Entry No. 319-a.....”

2. The prayers as made in the petition reads thus:

“A. This Hon’ble Court may, by way of appropriate Writ Order or direction, quash and set aside the order bearing No. SR,

Reg./KV/32/2021, dated 08/07/2021 passed by the Sub-Divisional Officer, Gadhinglaj, Tal. Gadhinglaj, Dist. Kolhapur and Sankalan Register for village Honyali, Tal. Ajra, Dist. Kolhapur.

B. This Hon'ble Court may, by way of appropriate Writ Order or direction, direct the respondents to allot to the petitioners alternate lands as per their entitlement by treating petitioner nos. 2, 3 and 4 as separate units."

3. After the proceedings were argued for sometime and after considering the nature of the order challenged and that it would not be possible for this Court to adjudicate any factual controversy, Mr. Deshpande, learned counsel for the petitioners fairly submits that the petitioners would take recourse to appellate remedy as available in law.

4. We, accordingly, permit the petitioners to withdraw this petition with liberty to pursue such appellate remedy. All contentions of the petitioners in that regard are expressly kept open.

5. Disposed of in the above terms. No costs.

(JITENDRA JAIN, J.)

(G. S. KULKARNI, J.)