IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.4888 of 2022

WESTERN COALFIELDS LIMITED, BALLARPUR THR. ITS AREA GENERAL MANAGER
VS
MADHUKAR S/O VITHU NARAD AND OTHERS

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

Shri C.S. Samudra, Advocate for the Petitioner/s
Shri N.R. Bhisikar, Advocate for the Respondent Nos.1 to 3
Shri Shyam Bissa, AGP for the Respondent No.4/State

CORAM : ANIL S. KILOR, J.
DATED : 05.12.2023

1. Heard.

2. In the present matter, the orders of the Tahsildar, Rajura dated 03.12.2021 passed under the provisions of the Maharashtra Land Revenue Code (MLR Code), 1966, are under challenge.

3. On a specific query as regards the alternate remedy, the learned counsel for the petitioner states that as the point of jurisdiction and powers of Tahsildar is involved, this Court may entertain the writ petition without asking the petitioner to approach to the Revenue Authority by filing an appeal under Section 247 of the MLR Code.

4. On the other hand, the learned counsel for the respondents, points out that the petitioner is raising the challenge to the orders of Tahsildar in selective manner. It is pointed out that numerous similar orders were passed by the Tahsildar, Rajura, however, in many of the cases the petitioner has accepted the orders and even granted employment to the land affected persons relying upon such orders. It is therefore, argued that this petition may not be entertained.

5. Considering the above referred fact that the petitioner is selective and has not challenged many similar orders passed by the Tahsildar, I am not inclined to exercise the jurisdiction under Articles 226 and 227 of the Constitution of India.

6. At this stage, the learned counsel for the petitioner states that if the appeal is filed under Section 247 of the MLR Code, the period exhausted in pursuing the present writ petition may be directed to be considered by the Revenue Authority while considering the point of limitation,.

7. The learned counsel for the respondents oppose the said request.

8. In the circumstances, the writ petition is **disposed of,** as the petitioner is having the alternate remedy under the provisions of the MLR Code.

9. If such appeal/revision is filed, the authority, while considering the issue of limitation, shall take into consideration the time period spent by the petitioner in pursuing the present writ petition i.e. from 19.07.2022 till today.

10. Considering the nature of dispute, if the appeal/revision is filed within the period of four weeks from today and if the copy of such appeal/revision is supplied to the respondents in advance, the Revenue Authority shall decide the appeal/revision within three months from the date of appearance of the respondents, after hearing both the parties.

11. All points are kept open.

[ANIL S. KILOR, J.]