

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

Writ Petition No. 5878 of 2022

Uday Prakash Pande and others

Vs.

Tahsildar, Tahsil Office Akola and others

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

Court's or Judge's Order

Mr. J.H.Mahajan, counsel for the Petitioners.

Mr. K.L.Dharmadhikari, AGP for the respondent Nos.1 and 2.

Mr. G.K.Sarda, counsel for respondent No.3.

**CORAM : ANIL S. KILOR, J.
DATED : 05.01.2023.**

In this case, the order under challenge is passed by the Tahsildar on 28/04/2022, after the matter was remanded by the Maharashtra Land Revenue Tribunal, Nagpur.

The learned AGP for respondent Nos.1 and 2 and the learned counsel for respondent No.3 raised a preliminary objection to the maintainability of the present writ petition on the ground that alternate remedy is available to the petitioners against the impugned order.

In reply, the learned counsel for the petitioners submits that the order of the Tahsildar is without jurisdiction and it is against the relevant provisions of Maharashtra Land Revenue Code, 1966 and already in the first round of litigation, the Maharashtra Land Revenue Tribunal had remanded the matter to the Tahsildar and directed to decide the case afresh and therefore, in second round there is no need to file an appeal, but the only remedy is available for the petitioner is to file present writ petition. He further submits that alternate remedy cannot be availed because the order is completely in violation of the directions of the Maharashtra Land Revenue Tribunal.

After considering the submissions made by the petitioners and the preliminary objection raised by the respondents, I am of the opinion that as the petitioners are having alternate remedy under the Maharashtra Land Revenue Code, 1966. The grounds raised in the present petition can be raised in appeal/revision as provided under the Maharashtra Land Revenue Code. In that view of the matter, it is not the case where the petitioners are remediless and therefore, the present writ petition is filed.

In the circumstances, I am not inclined to entertain the present writ petition. Accordingly, the writ petition is dismissed with liberty to the petitioners to avail alternate remedy, if the petitioners so desire. No order as to costs.

[ANIL S. KILOR, J.]