

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 757 OF 2024

Rajendra Devgir Gosavi

VERSUS

The Tahsildar Jamner

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Advocate for the Petitioner : Mr. Patwardhan Rohit Prashant

AGP for Respondent/State : Mrs. R.R. Tandale

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CORAM : S.G. MEHARE, J.

DATED : JANUARY 18, 2024

PER COURT:-

1. Heard learned counsel for the petitioner.
2. Issue notice to the respondents. Learned AGP waives service of notice for the State.
3. The learned AGP would submit that the impugned order is appealable under Section 247 of the Maharashtra Land Revenue Code. Hence, the writ petition is not maintainable. She appears correct. However, the learned counsel for the petitioner submits that until the appeal is filed before the Authority under Section 247 of the Maharashtra Land Revenue Code, the auction proposed on 19.01.2024 may be stayed, or the status-quo order may be passed.
4. The proclamation for the auction was published on 10.01.2024. However, this petition was filed on 16.01.2024 and circulation was sought on 17.01.2024 for today. Such practice does not seem to be fair. Filing such petitions and seeking relief at the

eleventh hour does not reflect the fairness of the parties. It seems that the parties know the remedy against such orders. However, instead of approaching the appropriate Court, they directly approached the High Court under writ jurisdiction and prayed for interim relief in the petition, which is not maintainable before the High Court. The Authority has taken penal action against the petitioner for stealing minor minerals. The Tahsildar has imposed the penalty for the same on 09.08.2023. That order was also appealable, but he did not appeal the order and, at the eleventh hour, came to the Court and prayed for the relief. Many similar petitions are disposed of since the appeal was the remedy. The petitioner seems to be playing mischief, deliberately avoiding approaching the competent Authority. There should be a break to such urgency-created petitions to save the Court's time.

5. After considering the facts of the case and how the petitioner approached the Court, this Court believes that the petitioner's petition is not maintainable. An alternate remedy is available to the petitioner, but no interim protection, as prayed, could be granted.

6. For these reasons, the petition stands dismissed.

(S.G. MEHARE, J.)