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

83 WRIT PETITION NO. 3668 OF 2024

TAYYAB KHAN BADEMIYA PATHAN

VERSUS

**STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS**

....

Mr Ashuthosh S. Kulkarni, Advocate for Petitioner;
Ms Neha Kamble, A.G.P. for Respondent Nos.1 to 9

**CORAM : RAVINDRA V. GHUGE
AND
R. M. JOSHI, JJ.**

DATE : 8th April, 2024

PER COURT:

1. The Petitioner was the Applicant before the Sub Divisional Officer, Bhokardan, Dist. Jalna. By an order dated 24/11/2023, the Sub Divisional Officer directed that the mutation entry should be carried out in the 7/12 extract with regard to the concerned land.

2. Respondent Nos.7/Tahsildar, Tahsil Office, Sillod, Dist. Chhatrapati Sambhajnagar, Respondent No.8/Circle Officer, Tahsil Office, Sillod, Dist. Chhatrapati Sambhajnagar and Respondent No.9/Talathi, Tahsil Office, Sillod, Dist. Chhatrapati

(2)

Sambhajinagar, preferred Appeal No.17/2024 under Section 247 of the Maharashtra Land Revenue Code, 1966 before the Additional District Collector (Revenue), Chhatrapati Sambhajinagar, Respondent No.4 herein. The Petitioner has submitted his preliminary objection touching the jurisdiction of the said authorities, in filing the said appeal. He has still not submitted a written statement.

3. The contention of the Petitioner is that the Talathi, the Circle Officer and the Tahsildar cannot challenge the order passed by the Sub Divisional Officer, Bhokardan. The learned A.G.P. submits that these Authorities were Respondents before the Sub Divisional Officer, Bhokardan. Certain observations have made and effective directions have given and, hence, an Appeal under Section 247 of the Maharashtra Land Revenue Code.

4. We are not inclined to entertain this Writ Petition since all the contentions of the Petitioner, including the objections touching the jurisdiction of the Talathi, Circle Officer and the Tahsildar, in preferring an appeal, can be considered by Respondent No.4.

5. We, therefore, direct Respondent No.4/Additional Collector (Revenue), Chhatrapati Sambhajnagar to submit it's detailed affidavit-in-reply/ written statement within 10 days from today, as per his request. Thereafter, Respondent No.4 would follow the due procedure laid down in law and after granting a reasonable opportunity of hearing to all the parties, pass a reasoned order, on or before 30/06/2024.

6. With the above directions, **this Writ Petition is disposed off.**

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

sjk