



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

4 WRIT PETITION NO. 6516 OF 2023

CHAYA DNYANESHWAR PATANAKAR

VERSUS

**THE MINISTER OF REVENUE AND FOREST
DEPARTMENT AND OTHERS**

...

Shri Rahul M. Jade, Advocate for the Petitioner.

Shri S.K. Tambe, AGP for Respondent Nos.1 to 3/State.

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CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 08th July, 2024

Per Court :-

1. The learned Advocate for the Petitioner, who has addressed us through virtual mode, submits on instructions that the Petitioner is presently praying only for prayer clause C and the other prayers may be ignored. Prayer clause C reads as under:-

“C) *The respondent No.1 may be directed to decide appeal bearing appeal-2022/Pra.Kra. 192/J-7 is pending for adjudication before it as early as possible.*”

2. The learned AGP submits that the appeal preferred by the Petitioner before Respondent No.1, is not maintainable

since the Petitioner avers that the sale of immovable property is shown to have occurred on forged signatures of the Petitioner. He avers forgery and fraud. The learned AGP, therefore, submits that the Petitioner will have to actually approach the Civil Court praying for orders of quashing and setting aside the sale deed.

3. The learned Advocate for the Petitioner submits that since an appeal is pending before Respondent No.1, let the said authority decide the contentions of the Parties, on their own merits. Let Respondent No.1 has decide whether it has jurisdiction and if not, let it be said in the order as to what proceeding the Petitioner must file.

4. In view of the above, **this Writ Petition is disposed off.** We expect Respondent No.1 to deal with the appeal mentioned in prayer clause C, within a period of 60 (sixty) days from today. If Respondent No.1 arrives at a conclusion that he does not have jurisdiction, an appropriate order may be passed indicating the statutory remedy available to the Petitioner.