

(This order is corrected as per speaking to the minutes of order dated 27.01.2025)

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

WRIT PETITION NO. 6985 OF 2023

Sanjay Bhau Shirole

VERSUS

Assistant General Manager Maharashtra Rail Infrastructure
Development Corporation Ltd And Others

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Advocate for the Petitioner : Mr. D.G. Nagode h/f Mr. Rushikesh Kale
AGP for Respondent/State : Mr. N.S. Tekale
Advocate for Respondent No.1 : Mr. R.L. Kute

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**CORAM : S.G. MEHARE &
S.G. CHAPALGAONKAR, JJ.**

DATED : DECEMBER 17, 2024

PER COURT :

1. Heard learned counsel for the petitioner, learned counsel for contesting respondent no.1 and learned AGP for the State.
2. The petitioner has a case that for public purpose, the land was acquired and sale deed was executed. In the sale deed it was mentioned that the 8 R land which was proposed to be acquired was irrigated land. However, subsequent there to, an inquiry was initiated and it has been incorrectly found that the land is a barren land.
3. The record reveals that the Talathi preferred an application before the Tahsildar to cancel the crop entries for the year 2019-2020, 2020-2021 and 2021-2022. The Tahsildar by his order dated 10.11.2022, held that the crop statements for the above period were incorrect and the Circle Officer was directed to correct the crop statement of those years.

4. It was held that it was a land having no irrigation facilities and it was never used for producing the fruits. It was also found that the land was even not used for cultivation. It was completely uncultivable land. However, we find that the order of the Tahsildar dated 31.01.2023 is appealable under the MLR Code.

5. When we point out this fact, learned counsel for the petitioner seeks leave to withdraw the petition with liberty to impugn the order of the Tahsildar dated 31.01.2023. We dismiss this writ petition with liberty to the petitioner to prefer an appeal against the order of the Tahsildar dated 31.01.2023. If the appeal is preferred, the time spent before this Court may be considered for condonation of delay.

(S.G. CHAPALGAONKAR, J.)

(S.G. MEHARE, J.)