

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4968 OF 2023

Bandu Laxman Mohite

VERSUS

Vasant Pralhad Gaikwad And Others

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Advocate for the Petitioner : Mr. D.A. Mane h/f Mr. Milind Madhukar
Patil

AGP for Respondent/State : Mr. K.B. Jadhavar

Advocate for Respondent No.1 : Ms. Prajakta P. Deshmukh

Advocate for Respondent No.3 : Mr. M.U. Shelke

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CORAM : S.G. MEHARE, J.

DATED : MARCH 12, 2024

PER COURT:-

1. Amendment order was passed on 29.08.2023; however, amendment was not carried out. Hence, this Court by reminder order dated 08.12.2023 again granted leave to the petitioner to carry out the amendment, even then it was not carried out. However, to protect the interest of the petitioner, amendment is got carried out forthwith in the Court.

2. Heard learned counsel for the petitioner and learned counsel for the respondents.

3. This Court after hearing all respective parties at length has passed a detailed order dated 26.10.2023 that the petitioner is at liberty to pursue the remedy, if any, before the competent authority. Thereafter, request was made to amend the petition. Leave to

amend was granted. Now, the learned counsel for the petitioner again wanted to argue the matter, that principle of natural justice has not been followed. Hence, this petition would lie.

4. Learned counsel for the petitioner admits that a statutory remedy of revision is available against the impugned judgment and order. However, he is insisting the Court that this Court may issue directions to the concerned authority to consider his representation for regularization of sale deed. He also argued that the issue whether the proposal of the petitioner was forwarded to the competent authority was also raised.

5. Learned AGP Mr. Jadhavar had placed on record a communication dated 25.10.2023 and submitted that the proposal of the petitioner has been forwarded to the competent authority and the proposal, pending before the competent authority, will be decided.

6. In view of the submission, nothing remains for issuing directions to the concerned authority. In fact, a Single Bench could not issue any directions to any of the Government Authority to decide the representation. Deciding the representation/application of the petitioner for regularization of sale deed was actually not the issue before this Court.

7. Now, the learned counsel for the petitioner states that an injunction suit has been filed against the Government and a third party not to disturb the possession. A temporary injunction

application has been passed against the tenant. A suit without seeking declaration or direction was filed against the Government.

8. Be that as it may, it is clear that the prayer for issuing directions to the competent authority to decide his representation to regularize the sale deed is not within the jurisdiction of this Bench. However, a statutory remedy of revision is available against the impugned order. Hence, this petition does not survive. The petition stands dismissed. No order as to costs.

9. The time spent here to be considered for condonation of delay, if the revision is preferred.

(S.G. MEHARE, J.)