



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**18 WRIT PETITION NO. 49 OF 2024**

ARVIND DEORAM ATRAM

....Petitioner

**VERSUS**

THE STATE OF MAHARASHTRA  
THROUGH THE SECRETARY AND OTHERS

.....Respondent

.....

Mr. Latange Vijay Prabhakar Rao, Advocate for the Petitioner  
Mr. S. K. Tambe, AGP for the Respondents State

CORAM : RAVINDRA V. GHUGE &  
Y. G. KHOBRAGADE, JJ.

DATE : 23rd January, 2024

**ORDER:**

1. The Petitioner claims to be a tribal. A registered sale deed was recorded at No. 177/1969, dated 14.02.1969 by the ancestors of the Petitioner. The Petitioner was not even born in 1969. He is 45 years of age today. The proceedings had reached the Tahsildar, who passed an order in 1977. A further proceeding was taken to the Additional District Collector, who passed an order in 1994. Thereafter, again the matter was taken to the Additional District Collector and an appeal to the Additional Divisional Commissioner, Aurangabad, who passed an order in 2014. The litigation journey as prescribed under the Maharashtra Restoration of Land to Scheduled Tribes Act, 1974 has been followed.

2. The possession is admittedly handed over. The Petitioner is before us on the ground that the some Tahsildar opined (in his wisdom) that there was a wrong transfer of land. There was no statutory proceeding pending before the Tahsildar and the 1974 Act does not empower the Tahsildar to issue an advisory note. In this backdrop, it is too much for the asking that this Court should exercise it's Writ jurisdiction by issuing a Writ of Mandamus and reopen the proceedings on the basis of an opinion of the Tahsildar, when the legal proceedings have travelled up to the the Additional Divisional Commissioner.

3. In view of the above **this petition** cannot be entertained and the same **is, therefore, dismissed.**

( Y. G. KHOBRAGADE, J. )

( RAVINDRA V. GHUGE, J. )

JPChavan