

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13359 OF 2023

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Kishore Ramchandra Avhad

.. Petitioner

Versus

1. State of Maharashtra
Through the Principal Secretary,
Revenue and Forest Department,
& 3 Ors.

...Respondents

Mr.Nitesh Bhutekar, Advocate for Petitioner.

**Mr.A.I. Patel, Addl. G.P. and Ms.P.N. Diwan, AGP for Respondent
Nos.1 to 4-State.**

**Mr.G.S. Godbole, Senior Advocate a/w. Mr.Aditya Joshi i/b
Ms.Deepshikha Godbole, Advocate for Respondent No.6.**

**CORAM : B.P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : MARCH 20, 2024.

P C :

1. The above Writ Petition is filed seeking the following relief :

(a) That this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, thereby directing the Respondent Nos.2, 3 and 4 to decide the objections which are raised by the Petitioner by giving an opportunity of being heard to the Petitioner and also

by allowing to file additional submissions, if necessary.

2. The learned Counsel appearing on behalf of the Petitioner submitted that after this Petition was filed, an order is passed on 25th October 2023 by the Deputy Superintendent of Land Records, Karjat (Respondent No.4) and which is annexed at Exh.H to the affidavit in reply filed by Respondent No.6. The learned Counsel submitted that this order is passed by the said Authority without taking into consideration the objections raised by the Petitioner. He, however, fairly conceded that an Appeal would lie from the said order under the provisions of the Maharashtra Land Revenue Code, 1996 ("MLRC, 1996"), and hence, the Petitioner would be preferring an Appeal to challenged the said order and also seek a stay by filing a Stay Application. He, therefore, submitted that the above Writ Petition can be disposed of by allowing the Petitioner to avail of the appellate remedy to challenge the order dated 25th October 2023.

3. Considering the peculiar circumstances of this case, we dispose of the above Writ Petition by permitting the Petitioner to challenge the order dated 25th October 2023 before the Appellate Authority under the provisions of Section 247 read with Schedule-E of the MLRC, 1966. The time taken to pursue this Petition, for the purposes of limitation and/or

delay, if any, shall be excluded by the Appellate Authority. If the Petitioner files any Stay Application in the said Appeal, the Appellate Authority is requested to decide the same, after hearing the Petitioner as well as Respondent No.6 herein, as expeditiously as possible, and preferably within a period of four weeks of filing of the Stay Application.

4. The Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

5. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA, J.]