



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 2610 of 2019

Idurang S/o Narayanrao Sathvane ..vs.. The Sub Divisional Officer, Kelpaur, Tq. Kelpaur,
Dist. Yavatmal and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. I. Dhatrik, Advocate for the petitioner
Mr. A. M. Ghogre, AGP for respondent nos. 1 and 2
Mr. R. R. Dawda, Advocate for respondent no. 3

CORAM : ANIL L. PANSARE J.

DATED : 26-08-2024

After having heard for some time, the learned counsel for petitioner pointed out that the order passed by the Tahsildar has been passed under Section 3 of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (for short 'the Act of 1974') and the remedy available is to file appeal before the Maharashtra Revenue Tribunal under Section 6 of the said Act. In the present matter, order passed by the Tahsildar has been, however, challenged before the Sub Divisional Officer in terms of the provisions of the Maharashtra Land Revenue Code, 1966.

2. Learned counsel for respondent no. 3 submits that he be granted liberty to approach the appellate authority.

3. In view thereof, writ petition is allowed.

4. Order passed by Sub Divisional Officer, Kelapur dated 28-2-2019 in Appeal No. 1/LND-31/2018-19 Mouza Patapangra, Tahsil Ghatanji, District Yavatmal is quashed and set aside.

5. Respondent no. 3 is at liberty to approach the Maharashtra Revenue Tribunal in terms of Section 6 of the Act of 1974 and if appeal is so filed, it will be decided as expeditiously as possible on its own merit.

(Anil L. Pansare, J.)

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