



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

987 WRIT PETITION NO. 3524 OF 2022

ABDUL MAJED QUTUBUDDIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Pravin N. Kalani – Advocate for Petitioner
Mr. D.R. Korde – AGP for Respondents, State
Mr. D.P. Palodkar, Mr. Y.B. Pathan and Mr. Ammet R. Vaidya – Advocates
for respective Respondents

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 11.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. The petitioner challenges the order dated 12.10.2017 passed by the Sub-Divisional Officer, Aurangabad, in Outward No. 2017/ Sett.-2/ Graveyard/ WS-1249.
3. Learned Counsel for the petitioner submits that the order passed by the Sub-Divisional Officer is without hearing of the petitioner. He further submits that the learned Collector allotted the land to the *Kabrastan* and the learned Tahsildar, without giving notice to the petitioner, cancelled the mutation entry as well as proceeded with the allotment. He further submits that since the land is allotted for *Kabrastan*, the petitioner having interest in protecting the rights of the Muslim community, challenges the

said action. He therefore submits that the order passed by the learned Sub-Divisional Officer is liable to be quashed and set aside.

4. Learned A.G.P. for the respondents, State raises a preliminary objection regarding maintainability, submitting that the petitioner has an alternate remedy of filing an appeal under Section 247 of the Maharashtra Land Revenue Code, 1966, (for short '*the Code*').

5. In view thereof, the Writ Petition is disposed of as not maintainable.

6. The petitioner is at liberty to challenge the order dated 12.10.2017 passed by the Sub-Divisional Officer, Aurangabad, in Outward No. 2017/ Sett.-2/ Graveyard/ WS-1249, before the appropriate authority by filing an appeal under Section 247 of the Code. If the petitioner filed the appeal, the authority shall decide the appeal in accordance with law.

7. The appellate authority shall consider the time spent in prosecuting this petition while deciding the application for condonation of delay.

8. All points are kept open.

9. Pending civil applications, if any, also stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE