



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2098 OF 2020

Santram Pandharinath Kambale .. Petitioner

Versus

The Collector Aurangabad and others .. Respondents

Shri Pralhad D. Bachate, Advocate for the Petitioner.

Shri S. B. Pulkundwar, A.G.P. for the Respondent Nos. 1 to 5.

Shri S. R. Patil, Advocate h/f Shri Ravindra Nirmal, Advocate for the Respondent Nos. 6 to 11.

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.
DATE : 21ST FEBRUARY, 2025.**

ORDER :

. In short, the case of the petitioner is that the petitioner made a complaint to the Tahsildar for removal of encroachment on the stream/nala belonging to the State Government. The petitioner has a grievance that due to encroachment, water flow has been blocked and that was affecting his field. The Tahsildar passed an order against the respondents. The respondents preferred appeal before the Sub Divisional Officer. It was dismissed by order dated 13.09.2024.

2. When this Court put a query to the learned Assistant Government Pleader, it has come to light that second appeal against the order passed by the Sub Divisional Officer, Vaijapur

is pending before the District Collector, Sambhajinagar.

3. Section 50 of the Maharashtra Land Revenue Code empowers the revenue authorities to remove the encroachment on the government land. The respondents have preferred second appeal before the District Collector. The appeal is still pending. The respondents are pursuing proper course of law.

4. The learned counsel for the petitioner submits that now he has learnt about the pendency of appeal before the District Collector. However, notice placed on record by the learned A. G. P. reads that notice of appeal pending before the District Collector was served upon the petitioner. Even then those facts were not disclosed, unless the Court puts a question.

5. We have taken consistent view that there shall not be two parallel proceedings for the same cause. Hence, we cannot proceed with the petition. We dispose of the writ petition without affecting the rights of the petitioner to pursue the proceedings under the M. L. R. Code. The Tahsildar should be vigilant in executing his orders as per law.

[SHAILESH P. BRAHME J.]

[S. G. MEHARE, J.]

bsb/Feb. 25