

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

940 WRIT PETITION NO. 855 OF 2022

YUVRAJ CHUDAMAN BADGUJAR

VERSUS

THE STATE OF MAHARASHTRA THR GOVT PLEADER AND OTHERS

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Advocate for the Petitioner/s : Mr. Pramod P. Dhorde and Mrs. Vidya
P. Dhorde

AGP for Respondent Nos. 1 to 4 /State : Mr. Rajdeep D. Raut.

Advocate for Respondent No.5 : Mr. Shikrashtra B. Solanke

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CORAM : ROHIT W. JOSHI, J.

DATE : 14.08.2025.

PER COURT :

1. The present petition is filed challenging order dated 26.02.2021 passed by the Deputy Collector, Jalgaon in Appeal No. Dongaon 28 of 2019, which was filed against the order dated 30.11.2018 passed by the Sub Divisional Officer, Faispur (for short the "S.D.O.") in Tenancy Appeal No. 59 of 2018. Tenancy Appeal No. 59 of 2018 was filed before the learned S.D.O. against the order passed by the Mamlatdar under Section 84 (C) of the Maharashtra Tenancy and Agricultural Lands Act. The Act does not provide further appeal against the order passed in an appeal under Section 74 (2) of the Act. The order passed under Section 74 (2) of the Act is subject

to revision before the Maharashtra Revenue Tribunal (for short "M.R.T"). under Section 76 of the Tenancy Act. In the present case the order passed under Section 84 (C) was initially challenged before the learned S.D.O., upon whom the powers of the Collector to adjudicate appeals under Section 74 (2) are delegated and thereafter, further appeal is filed against the said order passed by the learned S.D.O., before the Additional Collector. The appeal before Additional Collector is not maintainable.

2. In view of the above, the Writ Petition is dismissed. However, liberty is granted to the petitioner to avail the remedy of filing a Revision before the M.R.T. The time spent by the parties for prosecuting the proceedings before the learned Additional Collector and the present petition shall be excluded, in view of principles underlying Section 14 of the Indian Limitation Act.

3. Interim relief granted on 15.03.2022, is extended up to 30.09.2025.

(ROHIT W. JOSHI)
JUDGE

mahajansb/