



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

39 WRIT PETITION NO. 3320 OF 2021

MAHARASHTRA STATE ELECTRICITY TRANSMISSION COMPANY LTD
THROUGH ITS EXECUTIVE ENGINEER

VERSUS

THE TAHSILDAR AND OTHERS

WITH

CIVIL APPLICATION NO. 5927 OF 2024

IN CA/15251/2022

WITH

CIVIL APPLICATION NO. 5929 OF 2024

IN CA/15251/2022

Mr.S.V. Advant, Advocate for the petitioner.

Mr.K.B. Jadhavar, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 13.01.2025

PC :-

01. Heard learned Advocates for the parties for some time. Preliminary objection is raised by learned AGP relying upon judgment in the case of **Gurudassing Nawoosing Panjwani Vs. State of Maharashtra & Ors., 2015 AIR (SCW) 6277**, that there is alternate remedy available to the petitioner of approaching the State Government under section 257 of the Maharashtra Land Revenue Code.

02. Learned Advocate for the petitioner by relying upon judgments of the Supreme Court in the case of **M/s. Magadh Sugar &**

Energy Ltd. Vs. State of Bihar & Ors., Civil Appeal No. 5728 of 2021 and in the case of **Godrej Sara Lee Ltd. Vs. Excise & Taxation Officer-cum-Assessing Authority & Ors., 2023 SCC OnLine SC 95**, submits that this Court can exercise powers under Article 227 of the Constitution of India. In spite of availability of alternative remedy, he submits that in the present case the Tahsildar has issued notice without having any authority under law. The authority to order any taxes and categorization of such charges is with the Collector. At the most powers can be delegated to the Sub-Divisional Officer or any officer higher in rank of the Sub-Divisional Officer. In no case the authority can be delegated to the Tahsildar.

03. Since alternative remedy is available and this Court has taken view in many matters that, it is appropriate to approach the State Government, this Court does not find any reason to hear this petition in view of availability of alternative remedy. In view of the same, the writ petition stands disposed off.

04. The petitioner is at liberty to challenge the impugned order before the State Government. If such proceeding is filed, the State Government is expected to decide such proceeding within six months.

Time spent before this Court shall be excluded while computing limitation. Needless to state that all points are kept open.

05. In view of disposal of writ petition, pending civil applications stand disposed off.

06. Protection granted earlier to continue for four weeks from today.

[KISHORE C. SANT, J.]