



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

953 WRIT PETITION NO. 8705 OF 2023

SHAMA BI SHAIKH KADEER AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

...

Mr. Dinesh U. Manwatkar – Advocate for Petitioners

Mr. R.B. Dhaware – AGP for Respondent Nos.1 to 8, State

Mr. Ashwin V. Hon – Advocate for Respondent No.9

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 03.12.2025

PER COURT :

1. Heard the respective Counsel for the parties.
2. The present petition is directed against the order dated 03.07.2023 bearing outward No. 2022 /Sasha /Bhusu /celing /Sha.Bhang /Nalni/142/CR passed by respondent No.2, whereby the land was regularised in favour of respondent No.9.
3. Learned Counsel, Mr. Ashwin Hon, appearing for respondent No.9, raised a preliminary objection regarding the maintainability of the present petition by submitting that the petitioners have an alternate remedy of filing an appeal under Section 33 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (*“the Act”* for short).

4. Learned A.G.P. for respondent Nos.1 to 8 – the State Authorities, also supports the said submission.

5. I have gone through the order passed by respondent No.2 and Section 33 of the Act. As the petitioners have an alternate and equally efficacious remedy of filing an appeal under Section 33 of the Act, I am not inclined to entertain the present petition. The Writ Petition is, therefore, disposed of as not maintainable.

6. The petitioners are at liberty to file an appeal within a period of six (6) weeks from today.

7. The delay caused while prosecuting the present petition shall be considered by the appellate authority while deciding an application for condonation of delay.

[SIDDHESHWAR S. THOMBRE]
JUDGE