



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 WRIT PETITION NO. 11382 OF 2023

Vinod Narayan Khilare

VERSUS

Bhivaji Devaji Bade Dead Through Lrs Waman Bhivaji Bele And Another

...

Mr. Swapnil Sunilkumar Dargad, Advocate for the Petitioner.

Mr. S. B. Chavan Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 27th JANUARY 2025

PC :-

1. Heard the learned Advocates for the parties.
2. This petition is filed challenging the order dated 31st August 2023 passed by the learned Additional Divisional Commissioner, Aurangabad rejecting the application seeking stay to the order dated 8th June 2022 passed by the learned Deputy Collector which is impugned in the revision.
3. The learned Deputy Collector, Hingoli by order dated 8th June 2022 had allowed the restoration proceedings of the respondent No.1 and directed the petitioner to hand over the land to respondent no.1,

now representing by his legal representatives. By subsequent amendment, the petitioner has added prayer challenging the order passed by the learned Collector.

4. The learned Advocate for the Respondent submits that, in fact, the petitioner approached wrong forum. Under the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974, lies before the Maharashtra Revenue Tribunal. As it is, the petition is against the interim order. He thus, prays for dismissal of the writ petition.

5. Having heard the parties. This Court finds that the petitioner should have approached the learned Maharashtra Revenue Tribunal challenging the judgment and order passed by the learned Additional Collector. The proper remedy lies before the MRT.

6. In view of the same, this Court is not inclined to entertain the petition. However, liberty is granted to the petitioner to approach the appropriate forum by filing appropriate proceedings. The time consumed in prosecuting wrong forum and this writ petition shall be considered by the Maharashtra Revenue Tribunal in application for condonation of delay.

7. In view of the same, writ petition stands disposed off.
8. Interim relief shall be continued for a period of four weeks from today.

[KISHORE C. SANT, J.]