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20-WP-907-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 WRIT PETITION NO. 907 OF 2025

Nazeer Khan Baba Khan Pathan And Others

VERSUS

The Tahsildar Gangapur And Others

...

Mr. V. V. Deshmukh h/f Mr. A. T. Patel, Advocate for the Petitioners.
Mr. K. S. Patil, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 21st JANUARY 2025

PC :-

1. Heard.
2. This petition is against an order passed by the learned Tahsildar, Gangapur dated 5th August 2024 under Section 5(2) of the Mamlatdars' Courts Act, 1906. The petitioners have directly approached this Court. The learned Advocate vehemently submits that, in fact, the application filed by the respondents was one under Section 143 of the Maharashtra Land Revenue Code, 1966. The Tahsildar has wrongly exercised the jurisdiction under the Mamlatdars' Courts Act. It is for this reason the petitioners have no specific remedy. If it is considered to the order under

Mamlatdars' Courts Act then petitioners will have to approach the Sub-Divisional Officer by filing revision. When the application is under Section 143 of the Maharashtra Land Revenue Code then remedy is otherwise and, therefore, the petitioners have directly approached this Court.

3. Considering these, this Court finds that it is for the petitioners to choose the remedy as per law and it is for the authority to which he approaches to decide the jurisdiction. This Court, at this stage, need not decide this aspect. Petition stands disposed off with liberty to the petitioners to approach appropriate authority.

[KISHORE C. SANT, J.]