

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

*CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 14630 OF 2023

Atmaram Sitaram Hande

.... Petitioner

V/s

The State of Maharashtra and Others

.... Respondents.

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Mr. Nikhil N. Pawar, Advocate for the petitioner.

Mr. S.B. Kalel, Assistant Government Pleader for the State – respondent nos. 1 to 3.

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CORAM : A.S. CHANDURKAR &  
M. M. SATHAYE, JJ.

DATE : 13<sup>TH</sup> JANUARY, 2025

PC. :

1] Heard.

2] The challenge raised in this writ petition is to the order dated 13/02/2023 passed by the Tahsildar, Walwa, District Sangli by which the petitioner's representation dated 07/10/2022 raising a grievance that the petitioner's neighbour – respondent no.7 had undertaken illegal excavation of murum from adjoining land. The Tahasildar after conducting panchanama in the presence of respondent no.7 did not find any basis to accept the petitioner's representation and hence passed the impugned order.

3] We find that against the challenge which involves various factual aspects, remedy of filing appeal under Section 247 of the Maharashtra

Land Revenue code, 1966 is available. For this reason we are not inclined to entertain the writ petition. It is open for the petitioner to challenge the order dated 13/02/2023 in appeal if so advised. Keeping all points on merit open, the writ petition is disposed of in the aforesaid terms. Time spent in prosecuting this writ petition shall be considered when fresh appeal is filed.

[ M. M. SATHAYE,, J. ]

[ A.S. CHANDURKAR, J. ]