

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8466 OF 2024

Yogeshwari Nandkishor Gujar
through POA Holder
Swapnil Narendra Sapkal

.. Petitioner

Versus

Kanchan Amar Patange & Ors.

.. Respondents

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- Mr. Dharendra V. Takawale, Advocate for Petitioner
- Mr. Amogh Singh a/w Ms. Pinakin Modi i/by Mr. Jeet Gandhi for Respondent No. 25
- Mr. A.I. Patel, Addl. G.P a/w Mr. Hamid Mulla, AGP for Respondent Nos. 26 to 28

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 11, 2025

P. C.:

1. Heard Mr. Takawale, learned Advocate for Petitioner; Mr. Singh, learned Advocate for Respondent No. 25 and Mr. Patel, AGP for Respondent Nos. 26 to 28.

2. Present Writ Petition seeks to challenge the order passed by Sub-Divisional Officer in R.T.S. Appeal No. 567/2014 dated 31.08.2019, copy of which is appended at page Nos. 75-76, Exh. "J" to the Petition. Said R.T.S. Appeal filed in the year 2014 challenged the order dated 31.08.2009 passed by Tehsildar / Mandal Adhikari. Perusal of the impugned order *prima facie* shows that on the ground of delay, without the Petitioner having shown any plausible reason the

Competent Authority has rejected the Appeal of Petitioner on the ground of limitation. That apart additional ground has been stated in the impugned order which records the fact that it is not open to Petitioner to challenge the fixation of price and payment of purchase price in respect of the subject land by the holder of the said land after he having been issued 32M Certificate pursuant to he having paid the entire purchase price determined under Section 32G of the Maharashtra Tenancy and Agricultural Lands Act, 1948. It has been held in the impugned order that filing the R.T.S. Appeal is not maintainable since R.T.S. Appeal is filed under the provisions of Section 247 of the Maharashtra Land Revenue Code, 1966 read with Schedule "E" therein. The impugned order has held that remedy of the Petitioner lies elsewhere before the appropriate competent authority / Court.

3. Mr. Takawale, learned Advocate for Petitioner has informed the Court that in respect of substantive rights of Petitioner in the subject property, a Civil Suit was filed by him in the Civil Court and the Suit has been dismissed. In that view of the matter, present Petition cannot and does not survive.

4. Grievance of Petitioner is that certain amounts have been disbursed in the name of the deceased person. If at all Petitioner has any such claim, he is free to agitate such claim before the appropriate

Court / Forum having appropriate jurisdiction. The impugned order has been passed correctly and does not call for any interference.

5. With the above directions, Writ Petition is dismissed.

Amberkar

[MILIND N. JADHAV, J.]

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