

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9847 OF 2025

Shrikrishna Jaganath Sadwelkar ...Petitioner
Versus
Avinash Kashinath Sadwelkar and Ors. ...Respondents

Mr. Yatin Kochare, i/b Sidheshwar Biradar, for the Petitioner.
Mr. J. P. Patil, AGP for the State – Respondent Nos.2 to 4.

CORAM: N. J. JAMADAR, J.
DATED: 30th JULY, 2025

PC:-

1. Heard the learned Counsel for the parties.
2. The petition is moved for speaking to the minutes of order dated 23rd July, 2025.
3. On 23rd July, 2025, this Court was not inclined to entertain the petition as the petitioner has an efficacious alternate statutory remedy. The petition was thus disposed as withdrawn with liberty to adopt statutory remedy.
4. The learned Counsel for the petitioner submits that he has no instructions to withdraw the petition. And, therefore, paragraph Nos.2 and 3 of the order dated 23rd July, 2025 be deleted.

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5. This Court expressed its disinclination to entertain the petition as the petitioner has an efficacious remedy under the Maharashtra Land Revenue Code against the order dated 7th April, 2025 passed by the Additional Collector, Sindhudurg. It is imperative to note that the petitioner had initially challenged the order passed by the Circle Officer on 7th December, 2021, thereby certifying Mutation Entry No.455 before the Sub-Divisional Officer, Sawantwadi and the said appeal filed by the petitioner was allowed by the Sub-Divisional Officer by a judgment and order dated 19th January, 2024 and against the said order the respondents had preferred an appeal i.e. RTS Appeal No.19 of 2024 in which the impugned order came to be passed. Evidently, it was the petitioner, who had initially invoked the jurisdiction of the authorities under the Maharashtra Land Revenue Code, 1966 and hence it is now not open for the petitioner to urge that the Court should exercise extraordinary jurisdiction after the Appellate Authority passed an order against the petitioner.

6. As the learned Counsel for the petitioner submits that he has no instructions to withdraw the petition, the paragraphs 2 and 3 of the order 23rd July, 2025 be deleted and substituted by the preceding paragraph.

7. In the cause-title, the name of the petitioner "Shreekrishna" be corrected as "Shrikrishna".
8. Rest of the order remains unaltered.
9. Order dated 23rd July, 2025 be corrected and uploaded.

[N. J. JAMADAR, J.]