



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 6095 OF 2024

Arvind Gunwant Bele and others

-Vs.-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

Mr. A.S.Dhore, Adv. for the petitioners.
Mr. Sachin Narale, AGP for the respondents-State.
Mr.R.J.Shinde, Adv.for the respondent No.4.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 20TH JANUARY, 2025

The petition questions the order dated 23/09/2024 passed by the Assistant Collector and SDO, Kelapur (Pg.23) by which the appeal filed by the petitioners under Section 247 of the Maharashtra Land Revenue Code (for short "MLR Code") challenging the order passed by the Tahsildar Kelapur, dated 26/08/2024 under the provisions of Section 36-A of the MLR Code has been held not to be maintainable.

2. Admittedly the transaction in question is of 1980. In terms of the definition of transfer as contained in Section 2(1)(i) of the Restoration Act, 1974, it is restricted to a transfer between 01/04/1957 and ending on 06/07/1974. This would clearly indicate, that what has been exercised by the Tahsildar is the power under Section 36-A of the MLR Code and not otherwise, in view of which, the only remedy,

which would be available to the petitioners would be to invoke the appellate remedy under Section 247 of the MLR Code, in view of which, the impugned communication dated 23/09/2024 is quashed and set aside and the matter is remitted back to the Appellate Authority under Section 247 of the MLR Code to decide the same in terms of the law as applicable. No costs.

(ABHAY J. MANTRI,J) (AVINASH G. GHAROTE, J)