



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6492 OF 2024

Digambar Shivaji Patil

...Petitioner

Versus

The Sub Divisional Officer and Others

...Respondents

- Mr. Gade Akash D., Advocate for the Petitioner.
- Mr. S. D. Ghayal, Adld GP for Respondent – State.

CORAM : AJIT B. KADETHANKAR, J.

DATE : MARCH 10, 2026

P. C. :

1. The petitioner is aggrieved by the order dated 27th February 2022, passed by the Sub Divisional Officer Ambejogai in an appeal under Section 247 of the Maharashtra Land Revenue Code, 1966 in Appeal No.2022/ROR/A-06.

2. At paragraph No.11 of the writ petition memo, the petitioner submits that he has also filed revision application under Section 247 of the Code of 1966 before the Additional Collector, Ambejogai assailing the very order, which is subject matter of this writ petition. It is further stated that apprehending that the appeal may not be maintainable before the Additional Collector, the present writ petition is filed.

3. Mr. Ghayal, learned AGP would submit that in any case, the petitioner has efficacious and statutory remedy to file appeal / revision under Section 247 of the Code of 1966 before the Additional Collector, which the petitioner has already availed. Mr. Ghayal, learned AGP would submit that in view of that the petitioner cannot be permitted to opt for two remedies simultaneously. He further submits that the Appellate Authority shall decide the maintainability issue raised by the petitioner.

4. It is the matter of fact that the petitioner has assailed the impugned order and findings of the Sub Divisional Officer Ambejogai in the appeal before the Additional Collector Ambejogar. The explanation given by the petitioner at paragraph No.11 of the writ petition is not justified nor gives good grounds for maintainability of this writ petition. The petitioner has every right to assail the findings, as also the maintainability of the case that was put up before the Sub Divisional Officer Ambejogai in Case No.A-06 before the Appellate Forum.

5. After arguing this matter for some time, noticing disinclination of this Court to interfere in the impugned order, Mr.

Gade, learned counsel for the petitioner on instructions from his client, seeks liberty to withdraw this petition. He would submit that the petitioner shall prosecute the said appeal on every aspect of the matter, including maintainability.

6. The statement of learned AGP Mr. Ghayal is taken on record that the Appellate Authority shall decide the objection on maintainability.

7. The writ petition stands dismissed as withdrawn.

(AJIT B. KADETHANKAR, J.)