



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 14156 OF 2024

Navnath Saheba Salunke

VERSUS

The Additional Collector Beed And Others

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Mr. H. V. Tungar, Advocate for the Petitioner

Mrs. B. B. Gunjal, AGP for Respondents-State

Mr. S. B. Bhosale, Advocate for the respondent no.3

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CORAM : AJIT B. KADETHANKAR, J.

DATED : 05TH MARCH, 2026

ORDER :-

. The petitioner is aggrieved by the order dated 16.02.2018, passed by the Deputy Collector Land Acquisition Jayakwadi Project, Beed. On the basis of the said order a mutation entry no.2789 has taken place for village Pali, District Beed. Taking recourse to Section 247 read with Schedule-E of the Maharashtra Land Revenue Code (hereinafter for the sake of brevity referred to as “the M.L.R.C.”), the petitioner filed an appeal before the Additional Collector, Beed. Vide order dated 22.03.2024, the Additional Collector, Beed rejected the appeal observing that a challenge to the mutation entry ought to have been raised before the concerned Sub Divisional Officer.

2. It is further observed that instead of filing appeal before the Sub Divisional Officer, the petitioner directly jumped to the second Appellate provision before the Additional Collector. It is further observed that since the appeal was filed before wrong forum, the same cannot be maintainable. It was also suggested that further appeal against the order passed by the Additional Collector, Beed could be filed within 60 days before the Divisional Commissioner No.2, Chhatrapati Sambhajinagar.

3. Mr. H. V. Tungar, learned Counsel for the petitioner would submit that the Additional Collector, Beed misinterpreted the appeal filed by the petitioner as if the petitioner has challenged merely the mutation entry. He would submit that mutation entry is a reflection of the order passed by the Deputy Collector, Land Acquisition Jayakwadi Project, Beed on 16.02.2018. That, very base of the mutation entry is the order dated 16.02.2018 itself and therefore what is under challenge is the said order dated 16.02.2018. He would further continue to submit that even if the petitioner had challenged the mutation entry before any authority, the

dispute ultimately goes to its root i.e. from the order dated 16.02.2018.

4. Mr. H. V. Tungar, learned Counsel for the petitioner would conclude his argument with submission that since the whole basis for recording of the mutation entry no.2789 is the order dated 16.02.2018, the Additional Collector, Beed ought to have decided his appeal on merits under Section 247 of the M.L.R. Code read with Schedule-E.

5. Mr. S. B. Bhosale, learned Counsel appearing for respondent no.3 would submit that the petitioner even if had any grievance about the order dated 22.03.2024, passed by the Additional Collector, Beed has statutory efficacious remedy to approach to the Additional Commissioner no.2, Chhatrapati Sambhajinagar within 60 days in an appeal. He would further submit that even accepting that the Additional Collector has erroneously discarded the appeal filed by the petitioner, the same objection could have been dealt properly by the Additional Commissioner no.2, Chhatrapati Sambhajinagar.

6. Precisely, Mr. Bhosale, learned Counsel as also learned AGP Mrs. B. B. Gunjal would submit that the petitioner in fact is aggrieved by the mutation entry no.2789; and hence the Additional Collector is absolutely justified in observing that the mutation entry ought to have been challenged by the petitioner before the concerned Sub Divisional Officer. With this, Mr. Bhosale, learned Counsel and Mrs. B. B. Gunjal, learned AGP prayed to dismiss the Writ Petition.

7. With able assistance of the learned Counsel and learned AGP, I have gone through the pleadings of the parties including the annexures and reply affidavit filed by the respondent/authorities.

8. I do agree with the submission made by Mr. Bhosale, learned Counsel that the petitioner could have agitated his grievance before the Additional Commissioner no.2, Chhatrapati Sambhajinagar as was suggested by the Additional Collector, Beed. However considering that the order was passed long back in the year 2024 and the Writ Petition is also pending from the year 2024, in the interest of justice I do not feel it appropriate to relegate the petitioner

back to the Additional Commissioner only for seeking formal clarification that the Additional Collector has to decide the appeal on its own merits.

9. Obviously the mutation entry no.2789 is a result of the order dated 16.02.2018. The said order is the basis for the mutation entry as also for the further development in the 7/12 extract. As such, cause of action for the petitioner is the order dated 16.02.2018. I find substance in the argument of Mr. Tungar, learned Counsel that even if the mutation entry is challenged, ultimately the controversy will go to the impugned order dated 16.02.2018. Hence, in my considered view, the learned Additional Collector, Beed ought to have decided the appeal filed by the petitioner challenging the order dated 16.02.2018, passed by the Deputy Collector, Land Acquisition, Jayakwadi Project, Beed on its own merits.

10. As such, the impugned order dated 22.03.2024, passed by the Additional Collector, Beed at page no.42 is quashed and set aside. The matter is remitted back to the learned Additional Collector, Beed for fresh disposal.

11. The Additional Collector, Beed is directed to decide the petitioner's appeal on its own merits adjudicating the correctness of the order dated 16.02.2018, passed by the Deputy Collector Land Acquisition Jayakwadi Project, Beed. Let this job be completed within a period of four weeks from today.

12. Learned AGP to communicate this order to the Additional Collector, Beed.

(AJIT B. KADETHANKAR, J.)