



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.15664 OF 2025
WITH
CIVIL APPLICATION NO. 5790 OF 2026 IN WP/15664/2025

Laximan Ganpat Waghmare And Another
VERSUS
The State Of Maharashtra Through It's Principal Secretary And
Others.

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Advocate for Applicant : Mr. S.G. Jadhavar h/f M.D. Gitte
AGP for Respondents: Mr. S.P. Joshi
Advocate for Respondent 7 : Mr. Pradip Wagh

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 09, 2026

PER COURT :-

1. Present writ petition takes exception to the order dated 27.10.2025 passed by the respondent no.4/Sub Divisional Officer, Ambad in appeal no.36 of 2025.
2. Mr. Jadhvar, learned advocate appearing for petitioners submits that learned Tahsildar has passed the order under section 49 of the Maharashtra Land Revenue Code in respect of permission to lay the pipe-line. He invites attention of this Court to sub-section (8) of Section 49 to contend that no appeal is maintainable against the order passed by Tahsildar under section 49. He would therefore urge that impugned

order passed by respondent no.4 while entertaining the appeal filed by the respondent is without jurisdiction.

3. Sub-section (8) of section 49 of MLR Code reads thus :-

49. Construction of water course through land belonging to other person.

(8). There shall be no appeal from any order passed by a Tahsildar under this Section. But the Collector may call for and examine the record of any case and if he considers that the order passed by the Tahsildar is illegal or improper; he may, after due notice to the parties, pass such order as he deems fit.

4. Plain reading of aforesaid provision would show that no appeal is provided against order passed by the Tahsildar under section 49 of the Code.

5. In the present case, impugned order shows that respondent no.4 assumed power of appeal under section 247 of the Maharashtra Land Revenue Code and entertained the appeal filed by the respondent. In result, order impugned is without jurisdiction and liable to be quashed and set aside. Hence, writ petition is allowed in terms of prayer clause “C” and “D”. Needless to state here that respondent would have liberty to file appropriate proceeding as permissible under law against the order of Tahsildar. Pending civil application, if any, stands disposed of.

(S. G. CHAPALGAONKAR, J.)