



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 WRIT PETITION NO.3082 OF 2026

Dhulbarao Maroti Burkule And Others

VERSUS

The State Of Maharashtra Through Its Principal Secretary
Revenue Department And Others

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Advocate for Petitioner : Mr. S.N. Zakade

AGP for Respondents: Mr. S.D. Ghayal

CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 24, 2026

ORDER :-

1. Heard Mr. Zakade, learned advocate appearing for the petitioners.

2. Petitioner raises challenge to the order dated 16.2.2026 passed by S.D.O. Kalamnuri thereby confirming the order dated 8.8.2024 passed by Tahsildar, Kalamnuri. Mr. Zakade points out that respondents filed a simple application before Tahsildar for removal of obstructions. Said application is purportedly filed under section 5 of Mamlatdar's Courts Act. However, Tahsildar passed an order under section 143 of Maharashtra Land Revenue Code. The petitioners filed appeal before the S.D.O. however, learned S.D.O. has rejected the appeal.

3. During the course of arguments it is submitted that order passed by the Tahsildar in exercise of powers under section 143 of the Maharashtra Land Revenue Code is already subjected to challenge in R.C.S. No.161 of 2025 before Civil Judge S.D. Hingoli.

4. In that view of the matter, the very appeal filed before the S.D.O. was not maintainable in law and the S.D.O. could not have decided the same on merits.

5. The aforesaid contentions, appears to be in-consonance with the legal position as discernible from the scheme under section 143 of MLR Code. Clause no.3 of section 143 states that the decision of Tahsildar passed under section 143 shall be subject to provisions of sub-clause (4) and (5) and be subject to appeal and revision in accordance with the provisions of this Code. Sub clause (4) clarifies that, any person, who is aggrieved by decision of the Tahsildar, may, within a period of one year from the date of decision, institute civil suit to have it set aside or modified. Clause no.5 further clarifies that once suit has been instituted under sub-clause (4), the appeal or revision would not be maintainable.

6. In that view of the matter, decision rendered by the S.D.O. on merit would be nonest. However, since petitioner no.7 has already filed R.C.S. No.161 of 2025, petitioners shall be at liberty to prosecute the suit without impeded by the order passed by the S.D.O. which is impugned in this petition. With the aforesaid observations, writ petition stands **disposed of**.

(S. G. CHAPALGAONKAR, J.)

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