



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 WRIT PETITION NO. 11970 OF 2025

SURAJ KALIDAS GAWALI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Mahesh Deshmukh h/f. Mr. Abhijeet P
Avhad And Shaikh Ashraf Patel

AGP for Respondent/State : Mr. K.B. Jadhavar

...

CORAM : ARUN R. PEDNEKER, J.

Dated : September 30, 2025

PER COURT :-

1. Leave to amendment is granted. Amendment be carried out.
2. The learned counsel for the petitioner submits that the Collector has exercised powers under section 242 of the Maharashtra Land Revenue Code without hearing the petitioner and before passing order, summary eviction inquiry ought to have been conducted inquiry under section 58 of the MLR Code. The learned counsel for the petitioner submits that the Collector without hearing the petitioner has passed the order on summary eviction inquiry. The learned counsel also submits that petitioner is in possession of the land by virtue of sale deed and on complaint made by third party, the Collector has exercised powers under section 242 of MLR Code which he ought not to have to exercised without proper inquiry by giving notice to the petitioner.
3. Considering the above, issue notice to the respondents, returnable on 13.11.2025. The learned AGP waives notice for respondent/State. Notice to indicate that if time permits, the matter may be disposed of at admission stage. In the event, it is not possible to dispose of the matter

for any reason, this court will consider prayer for interim relief.

4. Statusquo as on today is granted.

(ARUN R. PEDNEKER, J.)

ssc/