



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION (ST.) NO. 24738 OF 2023

Karmyogi Swargiya Dr. Shivajirao Patil
Nilangekar Taluka Eksangh Kruti Samiti,
Nilanga Through

- 1] Sambhaji S/o Madhavrao Tare,
Age: 40 years, Occu. : Agri.,
R/o Jewari, Tq. Nilanga, Dist. Latur
- 2] Dayanand S/o Baburao Mule,
Age : 55 years, Occu : Agri.,
R/o. Mudgad, Tq. Nilanga, Dist. Latur

.. Petitioners

Versus

- 1] The State of Maharashtra
Through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai – 32.
- 2] The Collector, Latur,
Collector Office, Latur, Dist. Latur
- 3] The Sub Divisional Officer,
Nilanga, Tq. Nilanga, Dist. Latur
- 4] The Tahsildar,
Tahsil Office, Nilanga, Dist. Latur
- 5] Kasar Shirsi Gram Panchayat
Through its Member
Gorakhnath Sidramappa Holkunde,
Age 49 years, Occu. Business,
R/o Kasar Shirsi, Tq. Nilanga
District : Latur
- 6] Kasar Shirsi Taluka Nirman
Ek Sangh Sanstha, Kasar Shirsi
Through Nitin S/o Rajendra Acharya,
Age : 42 years, Occu. Agri.,
R/o Balkunda, Tq. Nilanga,
District : Latur

.. Respondents

...
Mr. Rajendrraa Deshmukkh, Senior Advocate a/w Mr. Kunal Kale and
Mr. Vikas Matkar i/b. Mr. Vishwajeet Jain, Advocate for the petitioner
Ms. Neha B. Kamble, AGP for the respondent – State
Mr. Sanjeeva Deshpande, Senior Advocate a/w Mr. Swapnil Patunkar, Mr.
Swapnil Joshi, Ms. Sakshi Mule, Mr. Ojas Deshpande i/b. J.P. Legal
Associates for respondent no. 5
Mr. M.D. Swami, Advocate for respondent no. 6
...

CORAM : **MANISH PITALE &
Y.G. KHOBRAGADE, JJ.**

RESERVED ON : **05 AUGUST 2025**
PRONOUNCED ON : **02 SEPTEMBER 2025**

JUDGMENT (PER – MANISH PITALE, J.) :

Rule. Rule made returnable forthwith. Heard finally, with the consent of the parties.

2. The petitioners claim to raise an issue in public interest, to challenge Government Resolution dated 18.07.2023, whereby an Additional Tahsildar has been appointed at Kasar Shirsi in Taluka – Nilanga, District – Latur and office of the said Additional Tahsildar, has been established at Kasar Shirsi.

3. The petitioners claim that the aforesaid Government Resolution violates the mandate of section 4 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as '**the M.L.R. Code**') as also the law laid down by Division Benches of this Court in Public Interest Litigation No. 72 of 2013 (*Dr. Avinash Ramkrishna Kashiwar*

and others Vs. The State of Maharashtra and others) and Public Interest Litigation No. 114 of 2024 with connected petitions (*Santosh Suresh Patil Vs. The State of Maharashtra and others*)

4. It is the case of the petitioners that the said Government Resolution could have been issued only upon following the mandate of section 4(4) of the MLR Code, requiring issuance of notification and that too subject to the condition of previous publication and compliance with section 24 of the Bombay General Clauses Act, 1904, so that the persons / villagers likely to be affected in the district would have got an opportunity to raise objection. According to the petitioners, having failed to do so, the Government Resolution dated 18.07.2023 is rendered arbitrary and illegal, which deserves to be quashed and set aside.

5. On the other hand, the respondent – State as well as respondent nos. 5 and 6 i.e. the Kasar Shirsi Gram Panchayat and a registered Sanstha of villagers support the said Government Resolution. It is specifically contended on their behalf that since the impugned Government Resolution does not constitute a revenue area, section 4 of the MLR Code is not applicable. It is further asserted that section 7 of the MLR Code pertaining to the Revenue Officers in the District read with section 13 thereof providing for powers and duties of

the Revenue Officers, squarely apply to the facts of the present case. It is specifically submitted that notification under section 13(3) of the MLR Code dated 17.08.2023, has been issued and, therefore, no fault can be found with the impugned Government Resolution dated 18.07.2023. On this basis, the two judgments on which the petitioners rely, are sought to be distinguished.

6. Before referring to the rival submissions in detail, it would be necessary to briefly state the chronology of events leading to the filing of the present Public Interest Litigation.

7. On 18.07.2023, respondent – State issued the impugned Government Resolution. In the preface to the Government Resolution, it was recorded that since the population of Taluka – Nilanga of Latur District had increased and the pressure on the Tehsil Office at Taluka – Nilanga had increased, considering administrative convenience, an independent office of Additional Tahsildar at Kasar Shirsi in Taluka – Nilanga was required to be established and for that purpose, posts were to be created and hence the necessity of issuing the Government Resolution.

8. Thereafter, the Government Resolution specified the details of the posts approved for the proposed office of the Additional Tahsildar of Kasar Shirsi in Taluka – Nilanga, which included one

Additional Tahsildar and one Clerk-cum-Typist. The Government Resolution also specified 63 villages that would be attached to the newly created office of Additional Tahsildar at Kasar Shirsi in Taluka – Nilanga and remaining 99 villages that continued to be attached to the office of the Tahsildar at Nilanga, Taluka – Nilanga. It was recorded that a separate notification under section 13(3) of the MLR Code was being issued to specify that the powers being exercised by the Tahsildar, Nilanga would be exercised by the Additional Tahsildar, Kasar Shirsi, limited to the area of villages specified.

9. On 17.08.2023, the notification was issued in the name of the Honourable Governor of Maharashtra in exercise of the powers under section 13(3) of the MLR Code, directing that the Additional Tahsildar, Kasar Shirsi, Taluka – Nilanga, District – Latur shall exercise within his jurisdiction, the powers and discharge all the duties and functions conferred and imposed on Tahsildar, Nilanga, Taluka – Nilanga, District – Latur, under the provisions of the MLR Code. This Court is informed that in pursuance of the aforesaid Government Resolution and notification, appropriate infrastructure has been identified and created at Kasar Shirsi.

10. The petitioners filed the instant PIL. Initially, it appears that petitioner no. 1 was not a registered body but subsequently, it was

registered and this fact was recorded in the order dated 15.09.2023 passed in the present proceeding. By the said order, the petitioners were also permitted to amend the petition to add certain additional grounds. By an order dated 12.04.2024, this Court allowed a Civil Application and thereby, permitted the respondent nos. 5 and 6 to be added as parties to the present proceedings. It was noted that if the PIL was to be allowed, there was likelihood of respondent nos. 5 and 6 being adversely affected and, therefore, in the interest of justice, they were directed to be added as parties.

11. Respondent nos. 1 to 4 filed their reply affidavit alongwith documents in the present PIL. It was taken up for hearing.

12. Mr. Rejendrraa Deshmukkh, learned Senior Counsel appearing for the petitioners submitted that the impugned Government Resolution dated 18.07.2023 violated the mandatory requirement of section 4 of the MLR Code, particularly, sub-section (4) thereof. The respondent – State had failed to offer an opportunity to the villagers of Taluka – Nilanga, to raise objections due to the fact that there was no previous publication of the intended move on the part of the State of creating new office of Additional Tahsildar at Kasar Shirsi. Section 24 of the Bombay General Clauses Act, 1904, made applicable under section 4(4) of the MLR Code was also not complied with. As a result,

the impugned Government Resolution is rendered illegal and unsustainable. It was submitted that since the mandate of section 4(4) of the MLR Code is violated, the petitioners and others, who are likely to be affected by creation of office of the Additional Tahsildar at Kasar Shirsi, have been deprived of their statutory right of raising objections in the facts and circumstances of the present case.

13. It was submitted that an identical issue arose in a case of *Santosh Suresh Patil Vs. The State of Maharashtra and others* (supra), wherein a Division Bench of this Court at the Principal Seat, quashed such Government Resolution, by order dated 17.02.2025 passed in PIL No. 114 of 2024 and connected petitions, following the dictum laid down by this Court in its earlier judgment in the case of *Dr. Avinash Ramkrishna Kashiwar and others Vs. The State of Maharashtra and others* (supra). By relying upon the said judgment, it was submitted that the impugned judgment deserved to be quashed and set aside, being violative of the statutory mandate of section 4(4) of the MLR Code.

14. It was further submitted that a copy of the notification dated 17.08.2023 was filed with the reply on behalf of the respondent nos. 1 to 4, purportedly exercising power under section 13(3) of the MLR Code. It was submitted that the notification would not cure the

fundamental defect in issuance of Government Resolution dated 18.07.2023. The location of the office of the Additional Tahsildar at Kasar Shirsi has resulted in gross inconvenience to a large number of villagers in the villages forming part of Taluka – Nilanga, District – Latur and, therefore, it would be in public interest that the impugned Government Resolution dated 18.07.2023 is quashed and set aside. It was submitted that the said move on the part of the respondent – State was politically motivated as it was based on a request by the local MLA, which was evident from internal communications exchanged between the said officials placed on record alongwith the reply affidavit. On this basis, it was submitted that the impugned Government Resolution deserved to be quashed and set aside.

15. On the other hand, Ms. Neha B. Kamble, learned AGP appearing on behalf of respondent nos. 1 to 4, submitted that the contentions raised on behalf of the petitioners are based on a misunderstanding of the provisions of the MLR Code. In the facts of the present case, section 4 of the MLR Code does not apply, as the Government Resolution, read with the notification, merely establishes an additional office of the Additional Tahsildar in Taluka – Nilanga to assist the Tahsildar, Nilanga to perform his duties, thereby increasing the administrative efficiency of the State machinery. By referring to sections 7 and 13 of the MLR Code, it was emphasized that the State

was well within its power to establish such additional office of the Additional Tahsildar for the convenience of the local populace and since a new revenue area or division was not being constituted or carved out, section 4 was inapplicable to the facts of the present case. On this basis, it was submitted that the present petition purportedly filed in public interest, deserves to be dismissed.

16. It was submitted that the recent judgment of the Division Bench at the Principal Seat in *Santosh Suresh Patil Vs. The State of Maharashtra and others* (supra) makes no reference to sections 7 and 13 of the MLR Code and, therefore, present the case is clearly distinguishable. As regards the judgment in the case of *Dr. Avinash Ramkrishna Kashiwar and others Vs. The State of Maharashtra and others* (supra), it was submitted that the same is distinguishable on the basis that in the facts of the said case, a separate new sub division of talukas was constituted under section 4 of the MLR Code. The observations made in the said judgment pertaining to the necessity of previous publication and applicability of section 24 of the Bombay General Clauses Act, 1904, were made in the context of creation of a new revenue area, which has nothing to do with the facts of the present case.

17. Mr. Sanjeeva Deshpande, learned Senior Counsel appearing for respondent no. 5 i.e. Kasar Shirsi Gram Panchayat and Mr. M.D. Swami, learned counsel appearing for respondent no. 6, another registered Sanstha like petitioner no. 1 herein, supported the contentions raised on behalf of the respondent – State. Much emphasis was placed on the constitution of revenue areas specified in section 4(1) of the MLR Code, wherein the basic unit is the village. It was submitted that since the Government Resolution dated 18.07.2023 merely created an additional office of Additional Tahsildar to assist the Tahsildar at Nilanga, Sections 7 and 13 of the MLR Code, were relevant and hence, the contentions raised on behalf of the petitioners, ought not to be accepted. It was submitted that establishing the office of the Additional Tahsildar at Kasar Shirsi is convenient for a large number of villages and, therefore, no interference is warranted in the present proceeding.

18. The rival submissions concern section 4, 7 and 13 of the MLR Code. The provisions of the MLR Code concern the administration of districts throughout the State with emphasis on collection of land revenue and matters incidental thereto. For carrying out the purposes of the MLR Code, it is necessary to identify and constitute revenue areas. Section 4 pertains to constitution of revenue areas and it reads as follows :-

“4. Constitution of revenue areas.—

(1) The State Government may, by notification in the Official Gazette, specify —

- (i) the districts (including the city of Bombay) which constitute a division;*
- (ii) the sub-divisions which constitute a district;*
- (iii) the talukas which constitute a sub-division;*
- (iv) the villages which constitute a taluka;*
- (v) the local area which constitutes a village; and*
- (vi) alter the limits of any such revenue area so constituted by amalgamation, division or in any manner whatsoever, or abolish any such revenue area and may name and alter the name of any such revenue area; and in any case where any area is renamed, then all references in any law or instrument or other document to the area under its original name shall be deemed to be references to the area as renamed, unless expressly otherwise provided :*

Provided that, *the State Government shall, as soon as possible after the commencement of this Code, constitute by like notification every wadi, and any area outside the limits of the gaothan of a village having a separate habitation (such wadi or area having a population of not less than three hundred, as ascertained such by a revenue officer not below the rank of Tahsildar) to be a village; and specify therein the limits of the village so constituted.*

(2) The Collector may by an order published in the prescribed manner arrange the villages in a taluka which shall constitute a saza; and the sazas in a taluka which shall constitute a circle, and may alter the limits of, or abolish, any saza or circle, so constituted.

(3) The divisions, districts, sub-division, talukas, circles, sazas and villages existing at the commencement of this Code shall continue under the names they bear respectively to be the divisions, districts, sub-divisions, talukas, circles, sazas and villages, unless otherwise altered under this section.

(4) Every notification or order made under this section shall be subject to the condition of previous publication; and the provisions of section 24 of the Bombay General Clauses Act, 1904, shall, so far as may be, apply in relation to such notification or order, as they apply in relation to rules to be made after previous publication.”

19. A perusal of the above quoted provision shows that section 4(1) of the MLR Code specifies that sub-divisions constitute a district,

talukas constitute a sub-division, villages constitute a taluka and local areas constitute a village. The State, by notification, in the official gazette, can alter the limits of any such revenue area by amalgamation of division or even abolish such a revenue area. But, every such notification, under section 4(4) of the MLR Code can be issued subject to the condition of previous publication and further it must comply with section 24 of the Bombay General Clauses Act.

20. It is significant to note that section 24 of the Bombay General Clauses Act, provides an elaborate procedure as regards the manner in which draft of such a notification has to be published, facilitating raising of objections in respect of the same. The said elaborate procedure has been incorporated in section 4 of the MLR Code, so as to ensure that whenever a revenue area, be it a village, taluka or sub-division within a district, is constituted or re-constituted, due publicity is given to such proposal concerning the revenue area, in order to give an opportunity to the affected persons in such revenue areas, to raise objections, if any. It is to be understood that the said elaborate requirement pertains to constituting, or re-constituting by altering the limits of revenue areas, either by amalgamation of division or even abolishing revenue areas by exercising power under section 4 of the MLR Code.

21. Section 7 of the MLR Code reads as follows :-

“7. Revenue officers in district.—

(1) The State Government shall appoint a Collector for each district (including the City of Bombay) who shall be in charge of the revenue administration thereof; and a Tahsildar for each taluka who shall be the chief officer entrusted with the local revenue administration of a taluka.

(2) The State Government may appoint one or more Additional Collectors and in each district (including the City of Bombay) and so many Assistant Collectors and Deputy Collectors (with such designations such as “First”, “Second”, “Supernumerary”, etc. Assistants as may be expressed in the order of their appointment), one or more Naib-Tahsildars in a taluka, and one or more Additional Tahsildars or Naib-Tahsildars therein and such other persons (having such designations) to assist the revenue officers as it may deem expedient.

(3) Subject to the general orders of the State Government, the Collector may place any Assistant or Deputy Collector in charge of one or more sub-divisions of a district, or may himself retain charge thereof. Such Assistant or Deputy Collector may also be called a Sub-Divisional Officer.

(4) The Collector may appoint to each district as many persons as he thinks fit to be Circle Officers and Circle Inspectors to be in charge of a Circle, and one or more Talathis for a saza, and one or more Kotwals or other village servants for each village or group of villages, as he may deem fit.

Collectors and Deputy Collectors (with such designations such as “First”, “Second”, “Supernumerary”, etc. Assistants as may be expressed in the order of their appointment), one or more Naib-Tahsildars in a taluka, and one or more Additional Tahsildars or Naib-Tahsildars therein and such other persons (having such designations) to assist the revenue officers as it may deem expedient.

(3) Subject to the general orders of the State Government, the Collector may place any Assistant or Deputy Collector in charge of one or more sub-divisions of a district, or may himself retain

charge thereof. Such Assistant or Deputy Collector may also be called a Sub-Divisional Officer.

(4) The Collector may appoint to each district as many persons as he thinks fit to be Circle Officers and Circle Inspectors to be in charge of a Circle, and one or more Talathis for a saza, and one or more Kotwals or other village servants for each village or group of villages, as he may deem fit."

22. The above quoted provision pertains to Revenue Officers in districts and it specifically provides for appointment of one or more Additional Tahsildars or Naib Tahsildars. Additional Tahsildars can be appointed for assisting the Tahsildars and such appointments can be made by the State Government as per the expediency of the situation. It is to be kept in mind that appointments of Additional Tahsildars to assist the Tahsildars, is for the purpose of increasing the efficiency of administration and obviously, it does not amount to creating a new revenue area. It is within the same revenue area that Additional Tahsildars can be appointed to assist the Tahsildars.

23. Section 13 of the MLR Code reads as follows :-

"13. Powers and duties of revenue officers.—

(1) The revenue officers of and above the rank of a Tahsildar (not being an Additional Commissioner, Assistant Commissioner, Additional Collector or Additional Tahsildar), shall exercise the powers and discharge the duties and functions conferred and imposed on them respectively under this Code or under any law for the time being in force, and so far as is consistent therewith, all such other powers, duties and functions of appeal, superintendence and control within their respective jurisdiction; and over the officers subordinate to

them as may from time to time be prescribed by the State Government.

Provided that, the Collector may also exercise throughout his district all the powers and discharge all the duties and functions conferred or imposed on an Assistant or Deputy Collector under this Code or under any law for the time being in force and a Tahsildar shall also exercise such powers as may be delegated to him by the Collectors under the general or special orders of the state Government.

Explanation. — In this proviso, the expression, “a Tahsildar” shall include, and shall be deemed always to have been included, the expression “an Additional Tahsildar”.

(2) The revenue officers aforesaid shall also, subject to the control and general or special orders of the State Government, exercise such powers and discharge such duties and functions, as the State Government may by an order in writing confer or impose on them for the purpose only of carrying out the provisions of any law for the time being in force, and so far as is consistent therewith.

(3) The Additional Commissioner and the Assistant Commissioner, and the Additional Collector and the Additional Tahsildar shall each exercise within his jurisdiction or part thereof powers and discharge such duties and functions of the Commissioner, the Collector or, as the case may be, the Tahsildar under the provisions of this Code or under any law for the time being in force, as the State Government may, by notification in the Official Gazette, direct in this behalf.

(4) The Sub-Divisional Officer shall subject to the provisions of Chapter XIII perform all the duties and functions and exercise all the powers conferred upon a Collector by this Code or any law for the time being in force, in relation to the sub-division in his charge :

Provided that, the Collector may whenever he may deem fit direct any such Sub-Divisional Officer not to perform certain duties or exercise certain powers and may reserve the same to himself or assign them to any Assistant or Deputy Collector subordinate to the Collector :

Provided further that, to such Assistant or Deputy Collector who is not placed in charge of a sub-division, the

Collector shall, under the general orders of the State Government, assign as such particular duties and powers as he may from time to time deem fit.

(5) Subject to the orders of the State Government and of the Commissioner the Collector may assign to a Naib-Tahsildar within his local limits such of the duties, functions and powers of a Tahsildar as he may from time to time deem fit.

(6) Subject to such general orders as may from time to time be passed by the Commissioner or Collector, a Tahsildar or Naib-Tahsildar may employ any of his subordinates to perform any portion of his ministerial duties :

***Provided that,** all acts and orders of his subordinates when so employed shall be liable to revision and confirmation by such Tahsildar or Naib-Tahsildar.*

(7) In all matters not specially provided for by law, the revenue officers shall act according to the instructions of the State Government."

24. The above quoted provision pertains to powers and duties of Revenue Officers and this provision specifically refers to the Office of the Tahsildar. It is further provided that the expression 'Tahsildar' shall include 'Additional Tahsildar', as per section 13(3) of the MLR Code. The State Government, by notification in the official gazette, can appoint Additional Tahsildar, for exercising the jurisdiction and powers as also discharge duties and functions of the Tahsildar. The notification in that regard can direct as to the extent of jurisdiction, as also powers and duties and functions, to be exercised by the Additional Tahsildar.

25. Thus, the State Government, by exercising powers under sections 7 and 13 of the MLR Code, can provide for appointment of Additional Tahsildar, to assist the Tahsildar and also further specify the extent of jurisdiction, powers, duties and functions to be exercised by the Additional Tahsildar, to assist the Tahsildar. It is within the domain of the State Government, to undertake such an exercise, obviously with the intention of increasing the efficiency of administration.

26. In the present case, the documents on record filed alongwith the affidavit in reply on behalf of respondent nos. 1 to 4 i.e. the State authorities show that notification dated 17.08.2023, was issued by order and in the name of the Honourable Governor of the State of Maharashtra, exercising powers under section 13(3) of the MLR Code. By the said notification, it was directed that Additional Tahsildar of Kasar Shirsi, Taluka - Nilanga, District – Latur, shall exercise powers and discharge all duties and functions conferred upon the Tahsildar Nilanga, Taluka - Nilanga, District - Latur under the provisions of the MLR Code. The Additional Tahsildar, Kasar Shirsi, is to do so within the area of jurisdiction specified by the State Government. By Government resolution dated 18.07.2023, the State Government directed creation of an independent office of Additional Tahsildar, to assist the Tahsildar, Nilanga. The office of the Additional Tahsildar was directed to be located at Kasar Shirsi and in the preface

of the Government resolution, it was specifically recorded that the said measure was necessary in the light of increased population of Taluka - Nilanga, District – Latur, as well as other factors like big market place in the said Taluka. The Government resolution also specifically provided for 63 villages of the Taluka to be brought under the jurisdiction of the Additional Tahsildar and post of one Additional Tahsildar with one Clerk-cum-Typist was sanctioned for the office of the Additional Tahsildar at Kasar Shirsi in Taluka - Nilanga. The Government resolution also provided for 99 villages to be retained with the office of the Tahsildar, Nilanga. Ancillary directions were issued in the said Government resolution.

27. We find that the true purport of the Government resolution dated 18.07.2023, is to the effect that office of Additional Tahsildar has been created and extent of jurisdiction alongwith the powers, duties and functions to be exercised by the said Additional Tahsildar at Kasar Shirsi, to assist the Tahsildar at Nilanga, have been specified. The said action of the State does not create a revenue area, as contemplated under section 4 of the MLR Code. As noted herein-above, section 4 of the MLR Code provides for revenue areas such as districts, sub-divisions, talukas, villages and local areas.

28. The impugned action of the State, in the present case, in no manner, creates or constitutes a revenue area, either by altering the

limits or dividing the same or amalgamating revenue areas and it does not even amount to abolition of any revenue area, as contemplated under section 4(1) of the MLR Code. Instead, the impugned action of the State, simply creates an office of the Additional Tahsildar to assist the Tahsildar for reasons specifically recorded. Since the exercise of power, by issuing the Government resolution dated 18.07.2023 and notification dated 17.08.2023, is specifically sourced in the power available as per sections 7 and 13 of the MLR Code, the contentions raised on behalf of the petitioners, cannot be accepted.

29. The requirement of previous publication and applicability of section 24 of the Bombay General Clauses Act, 1904, insisted upon by the petitioners, is based on a mis-conception that in the present case, a revenue area has been constituted or created by the State while undertaking the impugned action. The whole basis of the contentions raised on behalf of the petitioners proceeds on such mis-conception and, therefore, the said contentions cannot be accepted.

30. It is for the aforesaid reason, that the ratio of the judgment in the case of *Dr. Avinash Ramkrishna Kashiwar and others V. State of Maharashtra and others* (supra) cannot apply to the facts of the present case. In the said case, the State had issued a notification specifically exercising powers under section 4 of the MLR Code, proposing to

constitute a separate sub-division for two talukas and notifying the location of headquarter of division at one particular taluka. The final notification indeed constituted a separate sub-division as proposed, but the location of the headquarter was not in terms of the proposed notification. It is in the backdrop of such a controversy pertaining to constitution or carving out of a specific revenue area that the Division Bench of this Court, in the said case, applied section 4(4) of the MLR Code to hold against the State Government. Since the facts in the present case are clearly distinguishable in the light of the observations made herein-above, the judgment in the case of *Dr. Avinash Ramkrishna Kashiwar and others Vs. State of Maharashtra and others* (supra), cannot be relied upon by the petitioners.

31. As regards the judgment of the Division Bench of this Court in the case of *Santosh Suresh Patil* (supra), there is no reference to any notification issued under section 13(3) of the MLR Code and reference is only made to a Government resolution. There are no contentions raised which are considered by Division Bench of this Court in the said case in the context of sections 7 and 13 of the MLR Code. Hence, the said judgment can also not come to the aid of the petitioners herein.

32. It was also sought to be suggested on behalf of the petitioner that the impugned action of the State was politically motivated and in that context, a reference was made to certain communications exchanged between the Officers of the respondent - State. This Court has perused the said documents. A proper appreciation of the same only shows that when a request was made by a Member of Legislative Assembly, for considering appointment of office of Additional Tahsildar at Kasar Shirsi in Taluka - Nilanga, the District Collector directed Sub-Divisional Officer to conduct an enquiry into the matter and submit a report. The Sub Divisional Officer indeed prepared a report, giving the details of the geographical area of Taluka - Nilanga, its population, number of police stations, number of revenue circles, as also the number of talathis in villages. It is after such a report was submitted that the District Collector sent a recommendation to the State, for taking appropriate action in the matter.

33. Considering all this material, the State Government issued the Government resolution dated 18.07.2023 and the notification in the official gazette dated 17.08.2023, appointing Additional Tahsildar, to assist the Tahsildar, Nilanga and directed that the location of the office of the Additional Tahsildar shall be at Kasar Shirsi.

34. This Court finds that the said exercise having been carried out in terms of the statutory provisions i.e. sections 7 and 13 of the MLR Code, no fault can be found with the same on the basis of contentions raised by the petitioners that are relevant in a completely different factual situation of creation or constitution of a revenue area. As the present case does not concern creation or constitution of a revenue area, by exercising of power under section 4 of the MLR Code, the challenge raised in the present petition, cannot be accepted.

35. An attempt was also made on behalf of the petitioners to claim that the location of the office of Additional Tahsildar at Kasar Shirsi, would be inconvenient for certain villagers. But, if the said contention of the petitioners was to be accepted, then the creation of office of Additional Tahsildar and specifying jurisdiction of such officer under sections 7 and 13 of the MLR Code would restrict the office of the Additional Tahsildar only at the location where the office of the Tahsildar is already located. This demonstrates the fallacy in the aforesaid contention raised on behalf of the petitioners.

36. It is for the State to take appropriate decision, by exercising statutory power under sections 7 and 13 of the MLR Code with the object of increasing the efficiency of administration. The Government resolution specifically records that establishment of office

of the Additional Tahsildar at Kasar Shirsi is found to be expedient in the light of increased population of Taluka - Nilanga and considering the big size of its market place. This Court exercising jurisdiction under Article 226 of the Constitution of India, is not to supplant its wisdom on such matters of administration, which is within the domain of the Executive. Interference would have been warranted if there was defective exercise of statutory power or if arbitrariness was writ large in the impugned action of the State. No such factor has been demonstrated by the petitioners and, therefore, the present petition does not deserve favourable consideration. It is also to be noted that there is no challenge raised to the notification dated 17.08.2023 published in the official gazette.

37. It was also brought to the notice of this Court that with the passage of time, infrastructure for the office of the Additional Tahsildar at Kasar Shirsi has been already established. Therefore, we find no merit in the present petition.

38. Accordingly, the Public Interest Litigation is dismissed.

39. Rule is discharged.

40. Pending applications, if any, also stand disposed of.

[Y.G. KHOBRAGADE]
JUDGE

[MANISH PITALE]
JUDGE

arp/