

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

911 LETTERS PATENT APPEAL ST/22739/2011

SURENDRA KISHORILAL JAISWAL
VERSUS
THE STATE OF MAH AND ORS

...

Advocate for Appellant : Mr. Thombre S.S.
Mr. SK Shelke, Adv. h/for Mr.A.S.Shelke, Adv. For R/4

**CORAM : R.M.BORDE &
P.R.BORA,JJ.**

DATE : 27th February, 2015.

PER COURT :

1) The appellant has raised exception to the order dated 25.07.2011 passed by learned Single Judge in writ petition No.2805/2011.

2) The appellant objected to the order passed by the Additional Commissioner, in exercise of powers under Section 318 of The Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (for short, the Act), dismissing the revision application tendered by him since it was barred by 10 years as well as on the ground that the substantive suit presented by the appellant against

Respondent No.4 came to be dismissed by the civil court.

3) The dispute relates to alleged illegality committed by the Chief Officer of the Municipal Council in effecting mutation in respect of the disputed plot in the name of Respondent No.4. If at all, the appellant had any entitlement in respect of the plot in question, he has to get his entitlement and title determined by the concerned civil court. Having failed before the Civil Court, it is not open for the petitioner to contend to the contrary. Apart from this, it is observed by the learned Single Judge in his order that there is absolutely no explanation offered for causing delay of 10 years in approaching the revisional authority under Section 318 of the said Act. In present proceedings also no proper explanation has been tendered.

4) In view of above, we do not find any irregularity or perversity in the order passed by learned Single Judge requiring us to cause

interference in exercise of jurisdiction under Letters Patent. The LPA is devoid of substance and the same stands dismissed. Pending Civil Applications if any stand disposed of.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/