

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.10438 OF 2015

Mr. Anil Jaysingrao Shitole. .. Petitioner
Vs
State of Maharashtra and Others. .. Respondents

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Shri Rahul Sudhakar Kulkarni for the Petitioner.
Smt. M.P.Thakur, AGP for the Respondent Nos.1 and 2.
Shri A.V. Anturkar, Senior Advocate i/b Shri Sandeep S. Salunkhe for
the Respondent Nos.3 to 24.

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CORAM : A.S. OKA & G.S. PATEL, JJ
DATED : 20TH NOVEMBER 2015

P.C.

. Heard the learned counsel appearing for the Petitioner and
the learned senior counsel appearing for the Third to Twenty Fourth
Respondents.

2. The learned senior counsel appearing for the Third to
Twenty Fourth Respondents seeks time to take instructions. The
learned AGP represents the First and Second Respondents.

3. The Petitioner has pointed out that for challenging the
order dated 18th Marcy 2015, the Petitioner has filed a Revision
Application invoking Section 257 of the Maharashtra Land Revenue
Code, 1966 (for short “the said Code”) before the Additional Collector,
Pune. The grievance made in this Petition under Article 226 of the
Constitution of India is that though the Revision has been filed on 14th
May 2015, the same is not even numbered. Exhibit-E annexed to the

Petition shows that the Revision Application was filed in the office of the Additional Collector, Pune, on 14th May 2015.

4. Though the prayers made in the Petition are not happily worded, as a Revision Application has been filed by the Petitioner, the Additional Collector, Pune will have to apply his mind and firstly decide whether the Revision Application is maintainable. If he finds that the Revision Application is maintainable, he will have to decide the same in accordance with law.

5. Therefore, it is not necessary to grant time to the contesting Respondents.

6. Hence, we dispose of the Petition by passing the following order:

ORDER :

- (a) We direct the Petitioner to appear before the Additional Collector, Pune, on 21st December 2015 at 11.00 a.m.;
- (b) It will be open for the Third to Twenty Fourth Respondents to appear before the Additional Collector, on that date;
- (c) The Additional Collector, Pune shall decide whether the Revision Application filed by the Petitioner on 14th May 2015 is maintainable;
- (d) Needless to state that the Additional Collector, Pune, shall hear the Third to Twenty Fourth Respondents

and all other concerned parties before deciding the issue of maintainability of the Revision Application;

- (e) All contentions on merits of the issue of maintainability of the Revision Application are kept open;
- (f) If the Revision Application is found to be maintainable, the same shall be decided in accordance with law;
- (g) The Petition is disposed of on above terms;
- (h) Parties to act upon an authenticated copy of this order.

(G.S. PATEL, J)

(A.S. OKA, J)