

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

WRIT PETITION NO.6651 OF 2014

(Shyamrao s/o Raghoba Sakharkar ..vs.. The Additional Commissioner, Nagpur Division, Nagpur and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 04-12-2015

Heard Shri M.V. Mohokar, learned Advocate for the petitioner and Mrs. Kalyani R. Deshpande, learned Assistant Government Pleader for the respondent No.1

None appears for the other respondents.

Though the writ petition is dismissed against the respondent Nos.11 and 13 as notice of this petition could not be served on them, considering the facts of the case, I am of the view that the petition is not required to be dismissed and it has to be considered on merits.

2. The petitioner has challenged the order passed by the Additional Commissioner dismissing the revision filed under Section 257 of the Maharashtra Land Revenue Code, 1966. The Additional Commissioner has reproduced the contentions of the petitioners who were the applicants before him and without considering the challenges and without recording any reason, has dismissed the revision by recording as follows :

“I have gone through the case record and do not find any reason to change the order of Additional Collector. Revision dismissed.”

3. The Additional Commissioner while exercising the powers under Section 257 of the Maharashtra Land Revenue Code, 1966, is performing the quasi-judicial functions and therefore, he is under an obligation to deal with the facts, the documents on the record and the arguments made by the respective parties and record reasons for his conclusions. This is necessary as the order passed by the Additional Commissioner under Section 257 of the Maharashtra Land Revenue Code, 1966 is amenable to the judicial review by this Court.

4. In view of the above, as the Additional Commissioner has failed to exercise the jurisdiction vested in him by Section 257 of the Maharashtra Land Revenue Code, 1966, the impugned order is unsustainable.

5. Hence, the following order :

(i) The impugned order is set aside.

(ii) The matter is remitted to the Additional Commissioner, Nagpur for deciding the revision filed by the petitioner and respondent No.13, afresh.

(iii) The Additional Commissioner shall decide the

revision after serving notices on all the parties before him and after hearing them.

(iv)The petitioner undertakes to appear before the Additional Commissioner on 15-01-2016 at 11-00 a.m. and abide by the further orders in the matter.

6. The petition is allowed in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

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