

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9045 OF 2012

NARAYAN HARIBHAU MUNJAL AND ANR
VERSUS
DYANDEO SAHADU MUNJAL

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Advocate for Petitioners : Shri Bedre V.S.
Advocate for Respondent 1 : Shri Kadam M.S.
AGP for Respondent 2 : Shri Basarkar A.P.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 28, 2016

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PER COURT :-

1. The learned Division Bench of this Court by its judgment dated 13.7.2005 delivered in LPA No.55 of 2003 (Gurudassing Nawoosing Panjwani Versus State of Maharashtra and others) has concluded that the second revision under Section 257 of the Maharashtra Land Revenue Code, 1966 before the State Minister / State is maintainable. The said judgment was questioned before the Honourable Supreme Court. By its judgment, upholding the judgment of this Court, reported at 2015 (6) Mh.L.J. 915, the Honourable Apex Court has concluded in paragraph Nos.32 and 33 as under:-

“32. Considering the entire scheme of the Code, and the provisions contained in Sections 257 and 259, we are of the definite opinion that the Minister concerned of the State Government can entertain second revision to satisfy the legality and propriety of the order passed by the Revenue Officer. The Division Bench of the Bombay High Court has elaborately discussed the question and passed the impugned order holding that Section 257 confers jurisdiction to the State Government to entertain its revision against the order passed

by any Revenue Officer either in appeal or in revision. We find no infirmity in the impugned order passed by the High Court. Hence, this appeal has no merit which is accordingly dismissed.

33. Before parting with the order, we must make it clear that in view of the request made by the appellant before the High Court not to enter into the merit of the case since the party may prosecute their remedies in the Civil Court for adjudication, we have not expressed any opinion with regard to the merit of the case of the parties. The parties may prosecute their remedies in Civil Court in accordance with law”

2. In the light of the above, the learned Advocate for the petitioner submits on instructions, that this petition may be disposed off as withdrawn with liberty to institute the second revision and the time spent before this Court be considered as a ground for condonation of delay.

3. Learned Advocate for the respondent does not oppose.

4. As such, this petition is disposed off as withdrawn with liberty available to the petitioner in the light of the judgment of the Honourable Supreme Court in the matter of Gurudassing (supra). The time spent by the petitioner in this Court from 27.7.2012, till the passing of this order shall be a good ground for seeking condonation of delay, provided, the petitioner files the second revision, within a period of eight weeks from today.

(RAVINDRA V. GHUGE, J.)

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