

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8115 OF 2013
WITH WP/7986/2013

SAKHARAM TUKARAM WAGHMARE & ORS
VERSUS
THE DIVISIONAL COMMISSIONER, AURANGABAD DIVISION & ORS

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Advocate for Petitioners : S/Shri S.L.Bhapkar and S.S.Patil
AGP for Respondents State authorities : Shri V.G.Shelke
Advocate for Respondent 5 : Shri Katneshwarkar P.R.
Advocate for Respondents 6A / 5A : Shri Syed G.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 01, 2016
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PER COURT :-

1. I have considered the submissions of the learned Advocates for the respective sides.
2. The learned Division Bench of this Court has concluded by its judgment dated 13.7.2005 in LPA No.55 of 2003 that a second revision under Section 257 of the Maharashtra Land Revenue Code is available to the litigating sides. I am, therefore, of the view that the impugned order in these two petitions can be assailed by filing a revision petition under Section 257 before the Honourable Minister in the light of the ratio of the appeal Bench dated 13.7.2005.
3. As such, both these petitions are disposed off with liberty to the petitioners to avail of the remedy under Section 257 of the MLR Code before the Honourable Minister. If the petitioners prefer their Revisions within a period of six weeks from today, the time spent by the petitioners in this Court from the institution of these two petitions on 21.9.2013 and 23.9.2013 till the filing of the revision petitions under Section 257 of the MLR Code, shall be a good ground for condonation of delay, if any.

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4. The revisions, if filed within six weeks from today, shall be considered by the Honourable Minister and the Honourable Minister may endeavour to decide the said revisions as expeditiously as possible and preferably within a period of six months from the date of filing of the revisions.

5. Needless to state, the protection granted by this Court with regard to the mutation entries by its orders dated 30.9.2013 and 3.10.2013 respectively shall continue to protect the petitioners till the disposal of the revisions before the Honourable Minister.

(RAVINDRA V. GHUGE, J.)

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