

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7408 OF 2013

Shri Pandurang Santu Nyanirgune.] ... Petitioner
 Versus
 Smt. Parvati Vilas Nyanirgune and Ors.] ... Respondents

Ms. Vaijayanti R. Kalekar for Petitioner.
 Mr. D. V. Sutar for Respondent Nos.1 to 3.
 Mr. S. D. Rayrikar, A.G.P., for Respondent Nos.4 to 6.

CORAM :- M. S. SONAK, J.
DATE :- FEBRUARY 10, 2016

P. C. :-

1. The challenge in this petition is to the order dated 16/07/2013 made by the Additional Commissioner, Pune Division, in exercising revisional powers under Section 257 of the Maharashtra Land Revenue Code, 1966 ('the Code').

2. As against the impugned order, the petitioner has a remedy of instituting yet another revision to the State Government under Section 257 of the Code. The Division Bench of this Court, in the case of *Gurudassing Nawoosingh Panjwani Versus The State of Maharashtra and Ors*¹, has held that such second revision is maintainable under the Code. The Hon'ble Apex Court, in *Civil Appeal No.5102 of 2006, decided on November 06, 2015*, had upheld the view taken by the Division Bench of this Court.

¹ Letters Patent Appeal No.55 of 2003 against Writ Petition No.7477 of 2002, decided on 13th July 2005.

3. In view of the aforesaid, there is no necessity to entertain the present petition. Mr. Sutar, learned Counsel for respondent nos.1 to 3 who are the contesting respondents, has stated that if the petitioner institutes the revision application within reasonable period, then the said respondents will not raise the issue of limitation in institution the revision application. Mr. Rayrikar, learned A.G.P. for respondent nos.3 to 6, also states that the issue of limitation will not be pressed. In any case, the petitioner has been *bona fide* pursuing the present petition. Therefore, it is only appropriate that in case the petitioner institutes revision petition before the State Government within a period of four weeks from today, then such revision petition will be decided on its own merits and in accordance with law without adverting to the issue of limitation. Directions are issued accordingly.

4. This petition is therefore dismissed. However, liberty as aforesaid is granted in the matter.

5. It is made clear that this Court has not adverted to the merits of this matter and therefore all contentions of all parties are left open for adjudication by the revisional authority.

6. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)