

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3771 OF 2015

Alam Ahmad Naikwade and anr.	.. Petitioners
vs.	
The Additional Commissioner, Pune Division, Pune and ors.	.. Respondents
WITH	
CIVIL APPLICATION NO. 104 OF 2016	
Mangesh V. Saraf	.. Intervener-Applicant

In the matter between	
Alam Ahmad Naikwade and anr.	.. Petitioners
vs.	
The Additional Commissioner, Pune Division, Pune and ors.	.. Respondents

Mr. Sudhir C. Halli for the Petitioner
Mr. S.B. Deshmukh for Respondent No.2.
Mr. S.D. Rayrikar, AGP for Respondent Nos.1,3 to 6.
Mr. Anilkumar K. Patil for the Intervener-Applicant -Mangesh Saraf.

CORAM : M. S. SONAK, J.
DATE : 3 FEBRUARY 2016.

P.C. :-

1] The challenge in this petition is to the ad-interim order granted by the Additional Commissioner, Pune, which was to operate only upto a limited time. The revision application instituted by the Respondents is pending before the Additional Commissioner. There is accordingly, no need to entertain the present petition.

2] That apart, in case the Petitioners are really aggrieved by the impugned order, then the Petitioners have an alternate, efficacious and statutory remedy available under Section 257 of the Maharashtra Land Revenue Code, 1966 (MLC), including by way of

instituting a revision application before the State Government. The Division Bench of this Court, in case of *Gurudassing Nawoosing Panjwani vs. The State of Maharashtra & Ors.*¹, has ruled that even a second revision is maintainable under Section 257 of the MLC. In fact, this decision has been upheld by the Hon'ble Apex Court in Civil Appeal No. 5102 of 2006 decided on 6 November 2015.

3] In view of aforesaid, there is no necessity to entertain the present petition and same is dismissed. However, the Petitioners are granted liberty to challenge the impugned order by instituting a revision application under Section 257 of the MLC.

4] The ad-interim orders granted earlier stand vacated.

5] It is made clear that this Court has not examined merits of the matter and therefore all contentions of all parties are left open.

6] Application seeking intervention does not survive and same is also dismissed.

7] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)

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