

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8550 OF 2014

Prakash V. Manure

.. Petitioner

vs.

Gangabai N. alias Nagnath
Manure and ors.

.. Respondents

Mr. Samrat Shinde i/b Mr. T.D. Deshmukh for the Petitioner.

Mr. A.B. Tajane for Respondent Nos.1 to 3.

Mr. S.D. Rayrikar, AGP for Respondent No.4.

CORAM : M. S. SONAK, J.

DATE : 1 FEBRUARY 2016.

P.C. :-

1] As against the impugned order, the Petitioner has an alternate, efficacious and statutory remedy available by way of instituting a revision application under Section 257 of the Maharashtra Land Revenue Code, 1966 (MLC).

2] The Division Bench of this Court has, in case of *Gurudassing Nawoosing Panjwani vs. The State of Maharashtra & Ors.*¹, held that even the 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.

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

3] In view of the aforesaid, there is no necessity to entertain the present petition and same is disposed of accordingly. However, the learned counsel for the Petitioner states that the revision application will be instituted within three weeks from today. In case, revision application instituted within three weeks from today, then the revisional authority to decide such application on its own merits and in accordance with law, without adverting to the issue of limitation. This is because, the records disclose that the present petition was filed within the prescribed period of limitation. For purposes of instituting a revision application, the Petitioner has been *bonafide* pursuing the present petition.

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

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

(M. S. SONAK, J.)