

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2668 OF 2014

Zire Rushi Construction and anr. .. Petitioners
vs.
The State of Maharashtra and ors. .. Respondents

Mr. Rajiv Narula i/b Jhangiani Narula & Associates for Petitioners.
Mr. Milind More, Additional G.P. for Respondent Nos.1 to 3.
Mr. S.K. Jain i/b S.K. Jain & Associates for Respondent No.5.

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

P.C. :-

1] The challenge in this petition is to the orders dated 25 September 2012 and 30 January 2014 made by the Sub-Divisional Officer (SDO) and the Deputy Collector (Appeals), in the matter of mutation entries in survey records.

2] As against the impugned orders, the Petitioners have 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). In fact, the Division Bench of this Court has, in case of ***Gurudassing Nawoosing Panjwani vs. The State of Maharashtra & Ors.***¹, held that even a second revision is maintainable under Section 257 of the MLC. This decision of the Division Bench 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. Accordingly, petition is dismissed with liberty to the Petitioners to avail the alternate remedy.

4] Mr. Narula, learned counsel for the Petitioners, has stated that the Petitioners will institute a revision application within four weeks from today. In case, the revision application instituted within four 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 Petitioners were *bonafide* in pursuing the challenge to the impugned orders in this petition. That apart, the learned counsel for the Respondents, have fairly state that in case the revision application is instituted within four weeks from today, then they shall not oppose the same on the grounds of limitation.

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.)