

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

LETTER PATENT APPEAL NO. 55 OF 2001
WITH CA/4597/2001 IN LPA/55/2001

CHHAGAN SHANKAR PATEL
VERSUS
STATE OF MAHARASHTRA AND ORS

Mr.Y.B.Bolker, Advocate with Mr.A.H.Sabnis, Advocate h/f
Mr.Rajendra B. Raghuwanshi, Advocate for the appellant
Mr.P.S.Patil, AGP for the respondent/State
Mr.S.A.Kulkarni, Advocate h/f Mr.C.R.Deshpande, Advocate
for respondent No.4-A

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.**

DATED : 28.11.2017

P.C. :-

. On 04.09.1985 the Tahasildar suo-moto took up the proceedings under the Maharashtra Restoration of Lands to the Scheduled Tribes Act, 1974. The Tahasildar dropped the said proceedings on 17.05.1988. Thereafter in the year 1996 the Commissioner suo-moto exercised revisional powers under Section 7 of the said Act and set aside the order of the Tahasildar, Akkalkunwa dated 05.05.1988 and remanded back the matter to the Tahasildar for fresh enquiry.

2. The petitioner challenged the said order before the learned Single Judge of this Court in writ petition No.1622/1997. The writ petition is dismissed holding that the Commissioner can exercise suo-moto revisional powers within 30 years from the date of commencement of the Act and said powers are exercised within reasonable time.

3. In a reference made to the Division Bench of this Court in Writ Petition No.483/2012 (Bairao Jivanrao Patil Vs Gulab Supdu Tadavi and ors) to which one of us [Justice S.V.Gangapurwala] was party under judgment dated 05.08.2016 it is held that the Commissioner can exercise suo-moto revisional powers only within a period of three years unless directed by the State Government.

4. In the present case the Commissioner exercised his revisional powers under Section 7 of the Maharashtra Restoration of Land to Scheduled Tribe Act, after a period of almost 18 years. The same was beyond the limitation.

5. In light of the above the impugned judgment and order passed by the Commissioner dated 10.01.1997 and the judgment and order of the learned Single Judge dated 09.03.2001 in writ petition No.1622/1997 are quashed and set aside. Letters Patent Appeal is allowed. No costs. In view of disposal of the appeal, the civil application also stands disposed of.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]