

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1524 OF 2005

Shri Sitaram Gajaba Jadhav & Ors. .. Petitioners
Vs.
Shri Ashok Shamrao Jadhav & Ors. .. Respondents

.....
Mr. S.G. Karandikar for the petitioners.

Mr. S.D. Rairikar, AGP for State.

Mr. Rahul D. Motkar for respondents No.1 to 3.
.....

CORAM : M.S. KARNIK, J.

DATED : 1st NOVEMBER, 2017

ORDER :-

Leave to amend and add State as a party respondent.
Amendment be carried out forthwith.

2. The challenge in this petition is to an order passed by the Principal Secretary and Officer on Special Duty (Appeals), Revenue and Forests Department, dated 18/12/2004. The revision before the Principal Secretary and Officer on Special Duty (Appeals), Revenue and Forests Department, has been rejected on the ground that a second revision under section 257 of the Maharashtra Land Revenue Code, 1966 is not maintainable. It is pointed out by the learned Counsel for the respondent that the Apex Court in the case of **Gurudassing Nawoosing Panjwani Vs. State of Maharashtra and**

others ((2016) 2 SCC 213) has now taken a view that the second revision under section 257 of the Code is maintainable. In this view of the matter the impugned order dated 18/12/2004 passed by the Principal Secretary and Officer on Special Duty (Appeals), Revenue and Forests Department is set aside.

3. The Principal Secretary and Officer on Special Duty (Appeals), Revenue and Forests Department or the concerned authority hearing the revision, to hear the revision afresh on its own merits and in accordance with law. The revisional authority is requested to decide the revision as expeditiously as possible and in any event within the period of twelve weeks from the date of the receipt of the order. The parties undertake to appear before the revisional authority on 27/11/2017 at 3.00 p.m. along with the copy of this order. The Writ Petition is accordingly disposed of with no order as to costs.

4. Rule is partly made absolute.

(M.S. KARNIK, J.)