

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.221 OF 2016**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms.Neha A. Jadhav, Advocate for Petitioners.

Mr.P.S. Dani, Senior Advocate a/w. B.S. Shinde, for Respondent No.13.

CORAM : R. G. KETKAR, J.

DATE : 03/05/2017

P.C.:

1. Heard Ms.Neha Jadhav, learned Counsel for the petitioners and Mr.P.S.Dani, learned Senior Counsel for respondent No.13.

2. This Petition takes exception to the order dated 28.8.2015 passed by the Additional Commissioner, Konkan Division in Revision Application No.351/2013. By that order, the Additional Commissioner allowed the revision application and set aside the order dated 10.6.2013 passed by the Deputy Collector, Raigad-Alibag in Appeal No.76/2012.

3. Mr. Dani raised preliminary objection about maintainability of the petition on the

ground that the petitioners have an equally efficacious alternate statutory remedy of filing Revision Application under Section 257 of the Maharashtra Land Revenue Code, 1966 (for short, 'Code') before the State Government. He relied upon the decision of Apex Court in the case of ***Gurudassing Nawoosing Panjwani v State of Maharashtra and others, (2016) 2 SCC 213*** and in particular paragraph-27 thereof. He submitted that Apex Court considered Section 257 of the Code and in particular the use of the word 'and' for the State Government in that Section and observed that the power of revision exercised by any Revenue Officer including the Commissioner is a proceeding by a subordinate officer and the State Government can satisfy itself as to the legality and propriety of any decision including the order passed in revision by the Revenue Officers.

4. Ms.Jadhav, therefore, seeks permission to withdraw this Petition with liberty to file Revision Application before the State Government. She assures that within eight weeks from today, the petitioners will file Revision Application under Section 257 of the Code before the State Government.

5. In view thereof, on the motion made by Ms. Jadhav petition is allowed to be withdrawn with liberty as prayed for. The time spent by the petitioners in prosecuting this Petition from 31.10.2015 till date shall be excluded while considering the aspect of limitation. It is made clear that I have not examined the merits of the case. All contentions of the parties are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)