

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.983 OF 2018
(Kantabai w/o Ratan Kurhe and others Vs. Nivrutti Karbhari
Savanstarkar and others)

WITH
WRIT PETITION NO.984 OF 2018
WITH
WRIT PETITION NO.985 OF 2018

Mr.S.S.Deshmukh, Advocate for the petitioners.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 20/02/2018

PER COURT :

1. In all these matters, the identical petitioners are aggrieved by the orders dated 18/11/2017 passed by the Deputy Commissioner (supply) Nasik Division.

2. The Hon'ble Apex Court in Gurudassing Nawoosing Panjwani Vs. State of Maharashtra and others [2015 AIR SCW 6277] has laid down the law that a second revision in matters wherein revenue authorities have passed orders is maintainable u/s 257 of the M.L.R. Code and the statutory remedy of a second revision should be exhausted before approaching this Court.

3. Paragraph No. 32 of the Gurudassing's judgment (Supra).

reads as under :

“32. Considering the entire scheme of the Code, and the provisions contained in Sections 257 and 259, we are of the definite opinion that the Minister concerned of the State Government can entertain second revision to satisfy the legality and propriety of the order passed by the Revenue Officer. The Division Bench of the Bombay High Court has elaborately discussed the question and passed the impugned order holding that Section 257 confers jurisdiction to the State Government to entertain its revision against the order passed by any Revenue Officer either in appeal or in revision. We find no infirmity in the impugned order passed by the High Court. Hence, this appeal has no merit which is accordingly dismissed.”

4. Considering the above, these petitions are disposed of with liberty to the petitioners to approach the competent authority for filing their revision petitions u/s 257 of the M.L.R. Code. The time spent before this Court from 10/01/2018 till the passing of this order, would be a good ground for condonation of delay, if any. Needless to state, if the petitioners prefer an application for interim relief, the concerned authority shall decide the same expeditiously.

(RAVINDRA V. GHUGE, J.)