

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

WRIT PETITION NO. 4489 OF 2016

RAJU ARUN SUMBRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Shri Gawali Amol K..
AGP for Respondents 1 to 5 : Shri S.R.Yadav.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 06th September, 2018

Per Court:

1 I have heard the learned Advocate for the Petitioner and the learned AGP on behalf of the Respondents at length on 05.09.2018 and today.

2 I am not required to advert to the entire contentions of the litigating sides on the merits of the matter since I find that there was a bit of confusion in the manner in which the orders were passed by the Revenue Authorities.

3 The Petitioner, who claims to be the third purchaser on the strength of the sale deeds dated 31.10.2011, contends that his predecessor in title was re-granted the suit land as “Mahar Vatan” by the Tahasildar on 07.11.1970. Along with the name of the predecessor in title, the name of

the State of Maharashtra continued in the column of landholders in the mutation record.

4 After purchasing the land, the Petitioner moved the Sub Divisional Officer under Section 257 of the Maharashtra Land Revenue Code for challenging the mutation entry and for seeking deletion of the name of the State of Maharashtra. The Sub Divisional Officer exercised the revisional jurisdiction and rejected the said revision by order dated 15.09.2015 and proceeded to exercise suo-moto powers under Section 257 and set aside all sale deeds in favour of the Petitioner. The land was directed to be taken over in the custody of the State of Maharashtra.

5 The Petitioner then approached the Additional Collector by filing an appeal under Section 247, which was rejected in the light of the bar under Section 252(2), by the impugned order dated 20.02.2016.

6 The learned AGP, therefore, submits that in this backdrop, whatever may be the legal grounds raised by the Petitioner, a second revision under Section 257 of the Maharashtra Land Revenue Code would lie before the Additional Divisional Commissioner and the Petitioner can avail of the said remedy.

7 In view of the above, this Writ Petition is disposed of with liberty to the Petitioner to avail of a second revision.

8 In the event, the second revision is lodged within three weeks from today, the time spent by the Petitioner in this Court from 05.04.2016

till the filing of the revision, would be a good ground for condonation of delay.

9 On the condition that the Petitioner would initiate the revision proceedings within three weeks from today, the ad-interim protection granted by this Court on 20.04.2016 shall continue to protect the Petitioner for a total period of six weeks from today. Any application seeking interim relief filed along with the revision petition, shall be considered by the Revisional Authority on its own merits and without being influenced by the grant of the interim relief by this Court on 20.04.2016.

kps

(RAVINDRA V. GHUGE, J.)

Kalyan
Prakash
Sangvikar

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Kalyan Prakash
Sangvikar
Date: 2018.09.10
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