

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

WRIT PETITION NO.8840 OF 2015

SHAIKH GAFFUR SAHIKH BUDHAN
VERSUS
NARAYAN PIRAJI GHOTE AND OTHERS

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Advocate for the Petitioner : Shri Deokate Mayur G.
AGP for Respondents 3 to 6 : Shri S.R.Yadav.
Advocate for Respondent 2 : Shri C.C.Deshpande.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 15th December, 2018

Per Court:

1 I have heard the learned Advocate for the Petitioner, the learned AGP and the learned Advocate on behalf of Respondent No.2.

2 I have also perused the order passed by this Court (Coram : Sunil P. Deshmukh, J.) dated 02.09.2015 by which, the Petitioner has been granted the ad-interim relief. The said relief has been continued for a period of about three and half years.

3 The learned AGP points out that after lodging of this petition, the judgment of the Honourable Supreme Court in *Gurudassing Nawoosing Panjwani vs. State of Maharashtra and others, 2016 (2) SCC 213* has been reported and the Honourable Supreme Court has laid

down the law that a second revision is a statutory remedy available.

4 The learned Advocate for the Petitioner submits that the Respondents are rendered strangers to the property at issue since they have sold the property to the persons from whom the Petitioner has purchased the property by the registered sale deed. With this admitted position, unless the Respondents succeed in getting the sale deed declared as null and void, there would not be any cause of action to initiate any litigation against the Petitioner, much less of the nature of challenging a mutation entry.

5 Though the learned Advocate for the Petitioner appears forceful, the fact remains that a statutory remedy is available. Though the learned Advocate for Respondent No.2 opposes, I am of the view that the ad-interim relief granted three and half years ago might as well, be continued till the revision petition is decided within a time frame.

6 Considering the above, this Writ Petition is disposed of. The Petitioner shall file his revision petition within four weeks from today before the appropriate authority under Section 247 of the Maharashtra Land Revenue Code. If it is filed within the said period of four weeks, ad-interim relief granted by this Court on 02.09.2015 shall continue till 30.09.2019 or till the second revision is decided, whichever is earlier. The litigating sides would cooperate with the second revisional authority and the said authority shall decide the said revision on or before 30.09.2019.

7 The time spent by the Petitioner in this Court from 31.07.2015 when this petition was filed within time, until four weeks from today, shall be a good ground for condonation of delay.

kps

(RAVINDRA V. GHUGE, J.)