

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12993 OF 2017
(Vimalbai w/o Lalu Tribhuvan and another Vs. The Additional
Commissioner, Nashik and others)

Mr.A.D.Shinde, Advocate for the petitioners.
Mr.B.A.Shinde, AGP for respondent Nos. 1 to 5.
Mr.N.R.Bhavar, Advocate for respondent Nos. 7 and 8.
Mr.A.S.Khedkar, Advocate for respondent No.6.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 23/07/2018

PER COURT :

1. The learned Advocates for the respective sides and the learned AGP on behalf of respondent Nos. 1 to 5 have been heard at length.

2. It is undisputed that the first proceeding initiated by the petitioner by way of a Revision Application No.106/2010 u/s 257 of the M.L.R. Code, 1966 was a proceeding which was legally maintainable. It is also undisputed that the rejection of the revision by the impugned order dated 21/10/2012 can only invite a second revision u/s 247 of the M.L.R. Code, keeping in view the judgment delivered by the learned Full Bench in the matter of Gurudassing Nawoosing Panjwani Vs. State of Maharashtra [2015(6) Mh.L.J.915].

In this situation, the second revision would lie before the State.

3. Considering the above, the impugned orders dated 31/08/2013 delivered by the Additional Collector, Ahmednagar concluding that the First RTS Appeal No.42/2013 was not maintainable and the order of the Additional Commissioner, Nasik Division dated 12/04/2017 rejecting RTS Revision No.393/2013, cannot be said to be unsustainable. By both these orders, these authorities have rightly concluded that as these petitioners chose a revision proceeding u/s 257 of the M.L.R.Code before the S.D.O., these petitioners could only approach the State Government by filing a second revision petition.

4. Learned Advocate for the petitioners submits that in view of the above, his legal right to file a second revision cannot be taken away notwithstanding any error that the petitioners may have committed. He, therefore, prays that liberty to prefer the second revision may be granted and the time spent before this Court and the two authorities below may be condoned.

5. In view of the above, this petition is disposed of by granting liberty to the petitioners to assail the order dated 21/10/2012 alongwith the mutation entry No.470 dated 09/09/2004, under Section 247 by preferring a revision petition before the State. The time spent by these petitioners in the proceedings before the

Additional Collector, Ahmednagar, the Additional Divisional Commissioner, Nasik and before this Court, till the passing of this order, shall be considered as a good ground for condonation of delay, if any, provided the petitioners approach the revisional authority within 4 weeks from today.

(Ravindra V.Ghuge, J.)