

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 10617 OF 2015

BABU VISHWANATH KUMBHAR AND ANOTHERS  
VERSUS  
SUBHADRA DATTU JADHAV AND OTHERS

...  
Mrs. Madhaveswari D. Thube-Mhase, Advocate for Lex Aquila  
for petitioners  
Mr. A.B. Kharosekar, Advocate for respondents no. 1 to 5  
...

CORAM : SUNIL P. DESHMUKH, J.  
DATE : 15-10-2018

ORDER :

1. Heard learned counsel for the parties.
2. It appears that the matter filed against decision by additional collector, has been dismissed being an appeal after two appeals, since it has been referred to as appeal under section 247 of the Maharashtra Land Revenue Code, 1966 whereunder there is a prohibition for more appeals than two.
3. Learned counsel for petitioners submits that, however, a revision is available but under ignorance or under inadvertence, the proceedings came to be referred to as appeal instead of revision pursuant to section 257 of the Maharashtra Land Revenue Code, 1966, requests for liberty to prosecute a revision against order of additional collector.

4. Learned counsel for respondents purports to resist.
5. However, perusal of impugned order shows that the matter has been rejected as same has been referred to as appeal. In the circumstances, interest of justice can be met with if the petitioners prefer proceedings in the form as available under the Maharashtra Land Revenue Code, 1966.
6. As such, writ petition is disposed of with liberty to petitioners to file appropriate proceedings and in the process, delay, if any, is to be considered, pendency of the writ petition should receive its due.
7. Writ petition is disposed of.

[SUNIL P. DESHMUKH]  
JUDGE

arp/