

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

**WRIT PETITION NO. 11842 OF 2018**

**MAROTI NARAYANRAO SHINDE  
VERSUS  
AMBADAS KASHINATH WAGHMARE AND OTHERS**

...  
Advocate for the Petitioner : Shri A. R. Devakate  
AGP for Respondent Nos. 2 to 4 : Shri N. T. Bhagat

...  
**CORAM : RAVINDRA V. GHUGE, J.**

**DATED : 23<sup>rd</sup> OCTOBER, 2018.**

...

***PER COURT :***

1 Despite the strenuous submissions of the learned Advocate for the petitioner and the learned AGP, I find that the earlier Writ Petition No 13865/2017 pertains to the mutation entry Nos. 2672 and 309, which were subject matter of litigation up to the Honourable Minister who delivered his order on 28/08/2017. The said order is impugned in Writ Petition No. 13865/2017 since the second revision was decided by the Honourable Minister under Section 257 of the MLR Code, in view of the law laid down by the Honourable Apex Court in the matter of *Gurudassing Nawoosing Panjwani Vs. State of Maharashtra*, [2015 (6) Mh.L.J. 915].

2. Insofar as mutation entry Nos. 1920 and 133 are concerned, the petitioner has approached this Court in view of the order passed by the Deputy Collector dated 27/08/2018. Though they pertain to the same land Gut No. 121 admeasuring 4 acres at mauje Bhambarwadi and Gut No. 122 admeasuring 5 acres at mauje Mahatpuri, Tq. Gangakhed, I find that Schedule E of Section 247 of the MLR Code, provides for a statutory remedy for the petitioner to approach the Additional Divisional Commissioner. The said proceeding would be the first revision under Section 257 of the MLR Code.

3. In view of the above, this petition, Writ Petition No. 11842/2018, is disposed off with liberty to the petitioner to avail of the first revision remedy under section 257 of the MLR Code. The time spent by the petitioner in this court from 14/09/2018 till the passing of this order, may be considered as a ground for condonation of delay.

**(RAVINDRA V. GHUGE, J.)**

shp/-