

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

WRIT PETITION NO.12574 of 2018

Sangabai w/o Pundlik Sawant

Versus

The State of Maharashtra & ors.

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Mr. A.A. Mukhedkar, Advocate for the petitioner

Mrs. V.N. Patil Jadhav, AGP for the respondent/State

Mr. G.D. Kale, Advocate for the respondent Nos.4 to 7

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Coram : N.M. Jamdar, J.

Date : 19 November 2018

Oral Order :

1 By this petition, the petitioner has challenged the order passed by the Divisional Commissioner, Aurangabad dated 7 October 2018. By the impugned order, the Divisional Commissioner has allowed the review filed by the respondents dismissing original revision application filed by the petitioner and has confirmed the Mutation Entry No.1924.

2 The preliminary objection is taken by the respondents relying on the decision of the Apex Court in ***Gurudassing Nawoosing Panjwani vs. State of Maharashtra and others***, reported in **2015 (6)**

Mh.L.J. 915, that the petitioner has a statutory remedy of revision to the State Government under Section 257 of the Maharashtra Land Revenue Code, 1966.

3 Learned counsel for the petitioner submits that though the petitioner could have approached the State Government in revision from the original order, revision is maintainable against the impugned order which is passed in review under Section 258 of the Maharashtra Land Revenue Code, 1966.

4 A perusal of the record shows that a power is conferred on the State Government or the revenue authority to review the order on the ground of clerical mistake or some material error on the basis of the record or any other sufficient reason. Sub clause (5) of Section 258 relied upon by the petitioner does not indicate that the order passed in review is final as the said sub clause states that the order passed in review shall not be reviewed. If the argument of the petitioner that there is no remedy of further revision under Section 257 available against the order passed in review under Section 258, is accepted, it will create an anomalous situation. It would be meant that if revision is dismissed there is a further revision, but if the revision is allowed and order is passed in original revision then there is no further revision. Such an anomalous interpretation, which takes away a right of a revision cannot be accepted.

5 In the circumstances, since the petitioner has remedy of further revision against the impugned order, it is not necessary to interfere with the impugned order in writ jurisdiction. Keeping all contentions of the parties open, this writ petition is disposed of.

N.M. Jamdar, J.

agd