IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2077 OF 2018

RAGHUNATH KASHINATH KUSMUDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. A.P. Bhandari.
AGP for Respondent Nos. 1 to 5 : Mr. V.S. Badakh.

CORAM : RAVINDRA V. GHUGE, J.
DATED : 21st February, 2018

PER COURT :

1. The petitioner is aggrieved by the order dated 31/10/2017, passed by the Additional Commissioner Revenue, Nashik Division, by which, the Revision No. 208/2016 filed by respondent Nos. 6 to 8, has been allowed and the order passed by the Additional Collector in the second R.T.S. Appeal No. 212/2014 dated 11/04/2016, has been quashed and set aside.

2. Grievance is that the judgment and decree of the Trial Court dated 28/08/1992 in R.C.S. No. 142/1986, has not been put to execution and after the limitation period of 12 years was over and when almost 20 years had lapsed from the date of the decree, respondent Nos. 6 to 8 resorted to a novel proceeding of approaching the revenue authorities.

3. Since, the R.T.S. Revision No. 208/2016, has been allowed and the order of the Additional Collector has been quashed and set aside, the petitioner would have an efficacious statutory remedy in the form of an appeal under Section 249 of the Maharashtra Land Revenue Code.

4. Considering the above, this petition is disposed of with liberty to the petitioner to avail of the said remedy under Section 249 of the M.L.R. Code. All contentions inclusive of all objections of the litigating sides are kept open. The time spent by the petitioner in this Court from 14/12/2017, till the passing of this order today, shall be excluded from the period of limitation, if any.

(RAVINDRA V. GHUGE, J.)

S.P.C.