

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

4 CIVIL APPLICATION NO. 2471 OF 2019
IN
REVIEW APPLICATION STAMP NO. 3102 OF 2019
IN
WRIT PETITION NO. 2017 OF 2018

RUPA SHAMU PATIL (DECEASED) THROUGH LRS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Applicant : Mr. V.P. Patil.
AGP for Respondent Nos. 1 & 2 : Mr. S.R. Yadav.

CORAM : RAVINDRA V. GHUGE, J.
Dated : February 11, 2019

PER COURT :

1. I have heard the learned advocate for the review applicant and the learned AGP on behalf of respondent Nos. 1 and 2. Considering the order that I am passing, this Civil Application is allowed. Delay of 295 days is condoned on the condition that the appellant shall deposit an amount of Rs. 1,000/- with the Government Medical College and Hospital, Aurangabad, **through Medical Officer, High Court Dispensary, Aurangabad**, either in cash or by Demand Draft (Demand Draft be drawn in the name of “**Dean, Government Medical College and Hospital, Aurangabad Dengi Samiti**”) and shall report compliance of this direction by producing a receipt of having deposited the amount, before the Registrar (Judicial) of this Court on or before 01.03.2019.

2. By the consent of the parties, the review petition is taken up for hearing.

3. By the order dated 09.03.2018, in Writ Petition No. 2017/2018, which is sought to be reviewed, I have permitted the petitioner to avail of a statutory remedy by approaching the Deputy Director, Land Records, Nashik. The learned AGP has taken instructions and informs that the order which the petitioner has to challenge is passed by the District Superintendent of Land Records and considering Schedule E under Section 247 of MLR Code, the petitioner will have to approach the Deputy Director of Land Records. Learned counsel for the petitioner submits that the intention for filing this Review Application was that the Deputy Director of Land Records is not accepting the proceedings sought to be filed.

4. In my view, considering the law and the instructions gathered by the learned AGP, it is obvious that the order which the review petitioner desires to challenge has been passed by the District Superintendent of Land Records who was attached to the office of the Deputy Director of Land Records, Nashik, for the time being. As such, that order cannot be assumed to have been passed by the Deputy Director of Land Records. Hence, the petitioner will have to approach the Deputy Director of Land Records, Nashik.

5. Since petitioner has suffered hardships despite the order of this Court dated 09.03.2018, the time spent by the petitioner in this Court from 28.02.2017 until 28.02.2019, within which time from today, the petitioner would tender his proceedings before the Deputy Director of Land Records, would be considered as a good ground for condonation of delay.

6. With these observations, the Review Petition stands disposed of.

(RAVINDRA V. GHUGE, J.)

S.P.C.