

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

WRIT PETITION NO. 3051 OF 2019

**NANDOBAI KASHINATH CHAVAN DIED THRU LRS RAMESH
KASHINATH CHAVAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for the Petitioners : Shri P. B. Patil
AGP for Respondent No. 1 : Shri S. R. Yadav – Lonikar and
Shri S. P. Tiwari

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 12th JUNE, 2019.

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PER COURT :

1. The petitioner has preferred this petition for challenging the order of the SDO, Pachora dated 20/08/2016 passed in RTS Revision No. 78/2015 under Section 257 of the Maharashtra Land Revenue Code, 1966. He had approached the Additional Collector by preferring an Appeal No.200/2016 under Section 247 of the MLR Code,1966 which was rejected by order dated 24/10/2016 as Section 252(b) of the MLR Code,1966 does not permit an appeal to be filed against an order of rejection of a revision.

2. The petitioner has earlier approached this Court in Writ Petition No. 7071/2017. The petition was disposed off by order dated 28/11/2017 by this Court (Coram : V. K. Jadhav – J.), in view of the statement made by this petitioner that they intend to file a writ petition to challenge the order of the SDO dated 20/08/2016.

3. In the matter of *Ramanlal s/o. Kachardas Bakliwal & Anr. v/s Niyaj Mohammad Khan Akhil Khan & Ors, 2004 (2) ALL MR 49*, it was held that when an order was passed under Section 257 of the MLR Code against which no appeal is provided, such a litigant would have to prefer a revision before the State Government. Sub-section 4 of Section 257 was introduced by the Maharashtra Act No. XI of 2016 w.e.f. 05/02/2016 providing that no revision of an order passed under Sub-section 1 or 2 of Section 257 by any officer would be maintainable and such a revision would be preferred only before the State Government.

4. The Honourable Apex Court has delivered a judgment in *Gurudassing Nawoosing Panjwani Vs. State of*

Maharashtra, [2015 (6) Mh.L.J. 915], that a second revision against an order passed by an officer in the revision application, would be maintained only before the State when no appeal is prescribed.

5. In view of the above, this petition is rendered untenable. I find that this Court did not grant liberty to the petitioner to file this petition vide its order dated 28/11/2017 in Writ Petition No. 7071/2017. This Court merely recorded the intention of the petitioner and their desire to withdraw the petition. This order, therefore, would not be an impediment to the petitioners to prefer a second revision.

6. This petition is, therefore, disposed off. The time spent by the petitioners in this Court from 02/06/2018 till the passing of this order shall be considered as a ground for condonation of delay, if the MLR Code provides for such condonation.

(RAVINDRA V. GHUGE, J.)

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