

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13354 OF 2017

The Kolhapur Municipal Corporation	..Petitioner
Vs.	
Brig. Vasantrao Baburao Patil	..Respondent

.....

Mr. A. M. Adagule, Advocate for Petitioner.
Mr. Surel S. Shah a/w. M. J. Patil, Advocate for Respondent.

**CORAM : C.V. BHADANG, J.
DATE : 4th MARCH, 2020**

P.C.

. This petition can be disposed of on a short count.

2. By this petition, the petitioner is challenging the corrigendum dated 27/1/2014 by which the original order dated 17/1/2014 has been corrected by the learned Additional Commissioner Pune Division, Pune. In the original order, the commissioner has found that the name of the respondent (the petitioner before the Additional Commissioner) should be recorded in the record of rights relating to subject property to the extent of 3 Acres and 19 Guntas. Learned counsel for the petitioner submitted that although this order was served on the petitioner, the petitioner is not aggrieved by the said order. By the impugned corrigendum issued on 27/1/2014 the area of the land has been modified to 3 Hectors and 69 Ares in place of 3 Acres and 19 Gunthas.

3. Learned counsel for the petitioner submitted that the impugned corrigendum was never served on the petitioner and in any event the said corrigendum was issued without hearing of the petitioner and is clearly in breach of principles of natural justice.

4. Mr. Shah, the learned counsel for the respondent has strenuously urged that the petitioner is having alternate remedy of approaching the State Government against the impugned order under Section 257 of the Maharashtra Land Revenue Code. He further submits that the information gathered by the respondent under the Right to Information Act (RTI Act) which is produced at page Nos.88 to 91 of the compilation clearly demonstrates that the impugned corrigendum was also served on the petitioner and the petitioner has failed to take steps for challenging the said corrigendum.

5. On hearing learned counsel for the parties, I find that there is a serious dispute as to whether the corrigendum was indeed served on the petitioner. That apart, prima facie, at this stage, there is no material to show that the petitioner was heard by the learned Additional Commissioner before issuing the impugned corrigendum.

6. Learned counsel for the respondent submitted that it was only by way of correction of typographical error or error arising out of accidental slip or omission which aspect is denied by the learned counsel for the petitioner.

7. Be that as it may, the impugned corrigendum has the effect of incorporating a substantive change in the order as the area of the

land concerned which is directed to be recorded in the name of the respondent is increased to 3H 69 Ares, from the earlier 3 Acres and 19 Gunthas. In my considered view, it will be appropriate to relegate the petitioner to the alternate statutory remedy under Section 257 of the Maharashtra Land Revenue Code.

8. Mr. Shah, learned counsel for the respondent, on instructions, states that if the petitioner approaches the State Government within two weeks from today the respondent shall not raise any objection in so far as limitation is concerned.

9. In such circumstances, the petition is disposed of with liberty to the petitioner to approach the State Government under Section 257 of the Maharashtra Land Revenue Code against the impugned order, within two weeks from today.

10. If such revision is filed within two weeks from today, the authority shall consider the same on its own merits and in accordance with law.

11. The rival contentions of the parties, on merits, are left open.

12. In the circumstances, there shall be no order as to costs.

13. The statement made on behalf of the respondent which is operating in this petition, shall continue for a period of six weeks from today.

C.V. BHADANG, J.