

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No.6509 of 2019

Seema Ray Vs. The State of Maharashtra Through the Secretary, Revenue and Forest Department and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.M. Sharma, Advocate for the petitioner
Mr. N. Joshi, AGP for the respondents

CORAM : MANISH PITALE, J.

DATED : JANUARY 14, 2020

By this writ petition, the petitioner has challenged order dated 23/08/2019, passed by the respondent No.2 – Deputy Director Land Records, Nagpur, whereby it has been held that appeal filed by the petitioner before the said Authority could not be entertained because the petitioner ought to have approached the District Superintendent of Land Records for redressal of her grievance.

2. The grievance of the petitioner is that she is seeking “K” Prat of the land in question, which has been denied to her over a period of time. Reference was made to earlier round of litigation wherein the office of the District Superintendent of Land Records and the Deputy Superintendent of Land Records - respondents No.3 and 4, had placed on record “K” Prat supplied to the petitioner. The petitioner was not

satisfied with the said “K” prat provided to her and, therefore, she filed an appeal before the Deputy Director of Land Records. As noted above, the appeal has been rejected only on the ground that the petitioner ought to have approached the District Superintendent of Land Records.

3. The learned counsel appearing for the petitioner invited attention of this Court to Schedule “E” of the Maharashtra Land Revenue Code, 1966, relatable to Section 247 thereof, wherein it has been provided as to before which appellate Authority an appeal would lie on orders passed by the subordinate authorities. It is pointed out that against the order issued or document received from the Superintendent of Land Records and other officers of equal ranks, the appeal would lie to the Director of Land Records or Deputy Director of Land Records.

4. Although, the learned AGP for the respondents has opposed the contention raised on behalf of the petitioner herein, perusal of Schedule “E” under Section 247 of the aforesaid Code clearly demonstrate that the respondent No.2 – Deputy Director of Land Records could not have shirked the responsibility of deciding the appeal filed by the petitioner. The direction given by respondent No.2 to the petitioner to approach the District Superintendent of Land Records was in the teeth of Section 247 read

with schedule “E”, specified in the aforesaid Code.

5. In view of above, the impugned order is quashed and set aside.

6. The respondent No.2 – Deputy Director Land Records, Nagpur, is directed to decide the appeal filed by the petitioner on merits as expeditiously as possible and in any case within a period of four weeks from today.

JUDGE

MP Deshpande