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

WRIT PETITION NO.7001 OF 2018

Uma s/o. Dhupaji Gore,
Age : 90 years, Occ. Agri.,
r/o. Post Rajuri, Tq. Rahata,
Dist. Ahmednagar
and others ..Petitioners

Vs.

The State of Maharashtra,
Through the Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai – 32
and others ..Respondents

Mr.R.A.Tambe, Advocate for petitioners
Mr.S.P.Tiwari, AGP for respondent nos.1 to 5
Mr.D.R.Korde, Advocate for respondent nos.6 to 12

**CORAM : R.G. AVACHAT, J.
RESERVED ON : FEBRUARY 04, 2021
PRONOUNCED ON : MARCH 03, 2021**

ORDER :-

Heard learned counsel for the parties.

2. The challenge in this Writ Petition is to the order dated 16.01.2018 passed by passed by the Additional Collector,

Ahmednagar, in Revision Application No.12 of 2018. By the impugned order, the Revision Application preferred by the petitioners herein came to be dismissed in limine. The Additional Collector observed that in view of Section 252(b) of Maharashtra Land Revenue Code, 1966 (M.L.R.C.), no Revision lies against the order passed in the Revision.

FACTS:-

3. The petitioners had filed R.T.S. Revision No.280 of 2016 on 13.10.2016 before the Sub Divisional Officer (S.D.O.), Shirdi, against certification of mutation entry no.11847. The S.D.O., vide order dated 24.11.2017, dismissed the Revision Application. The petitioners, therefore, preferred second Revision Application, being R.T.S. Revision No. 12 of 2018, to the Additional Collector. Said Revision application has been dismissed at admission stage itself vide order dated 16.01.2018. The petitioners are, therefore, before this Court.

4. Mr.Tambe, learned counsel for the petitioners, would submit that the Additional Collector did not give the

petitioners an opportunity of hearing. He could have allowed the petitioners to convert the Revision Application into an appeal. Learned counsel for the petitioners, therefore, urged for setting aside the impugned order.

5. Mr.Korde, learned counsel for respondent nos.6 to 12, would, on the other hand, supports the impugned order. He relied on a judgment of the Apex Court in the case of Gurudassing Nawoosing Panjwani Vs. State of Maharashtra and ors., 2015(6)Mh.L.J. 915.

6. For deciding the issue involved in this petition, the scheme as regards appeal and revision under the M.L.R.C., is required to be examined. Chapter XIII of M.L.R.C. speaks of appeals, revision and review. Section 247 speaks of appeal and appellate authorities. It reads thus:-

> ***247. Appeal and appellate authorities.*** -
>
> *(1) In the absence of any express provisions of the Code, or of any law for the time being in force to the contrary, an appeal shall lie from any decision or order passed by a revenue or survey officer*

> *specified in column I of the Schedule E under this Code or any other law for the time being in force to the officer specified in column 2 of that Schedule whether or not such decision or order may itself have been passed on appeal from the decision or order of the officer specified in column I of the said Schedule:*
>
> *Provided that, in no case the number of appeals shall exceed two.*
>
> *(2) .....*

Section 249 pertains to appeal against review or revision. It reads as under :-

> ***249. Appeal against review or revision.*** *-*
>
> *(1) An order passed in review varying or reversing any order shall be appealable in the like manner as an original decision or order.*
>
> *(2) An order passed in revision varying or reversing any order shall be appealable as if it were an order passed by the revisional authority in appeal.*

Section 252 reads thus :-

> ***252. Appeal shall not be against certain orders.*** *-*
>
> *No appeal shall lie from an order-*
>
> > *(a) admitting an appeal or an application for review under Section 251;*

(b) rejecting an application for revision or review; or

(c) granting or rejecting an application for stay.

7. From reading of Sections 249 and 252 of M.L.R.C., it is clear that there is a remedy of appeal against the order passed in Revision varying or reversing any order. However, there is no remedy of appeal against rejection of application for Revision or Review.

8. In the case in hand, the Revision Application moved by the petitioners has been rejected by the S.D.O. The remedy of appeal is, therefore, not available against the decision of the S.D.O. since Section 252(b) bars the remedy of appeal.

9. The petitioners had preferred Revision Application No.12 of 2018 against the decision of the S.D.O. in a Revision itself. Section 257 of the M.L.R.C. speaks of the power of the State Government and of certain Revenue and Survey Officers to call for and examine record and proceedings of subordinate officers. Section 257(1) reads as under:-

> ***257. Power of State Government and of certain revenue and survey officers to call for and examine records and proceedings of subordinate officers.*** *-*
>
> *(1) The State Government and any revenue or survey officer, not inferior in rank to an Assistant or Deputy Collector, or a Superintendent of Land Records, in their respective departments, may call for and examine the record of any inquiry or the proceedings of any subordinate revenue or survey officer, for the purpose of satisfying itself or himself, as the case may be, as the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.*

Sub-section (4) of Section 257 bars remedy of revision against an order issued under sub-section (1) or (2) of Section 257 by any Officer referred to therein. It, however, saves power of the State Government to modify, annul or reverse any such order issued under sub-section (1) or (2) of Section 257 of M.L.R.C.

10. From reading of the aforesaid provisions, it would be crystal clear that the order passed by the Officer referred to in sub-section (1) or (2) of Section 257 of M.L.R.C., cannot be challenged in Revision before any other Officer except before

State Government. As such, no fault can be found with the order impugned in this Writ Petition.

11. The Writ Petition, therefore, fails. The petitioners may challenge the order passed by the S.D.O. in Revision before the State Government. With the aforesaid observations, the Writ Petition stands dismissed.

[**R.G. AVACHAT, J.**]

KBP