

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

936 WRIT PETITION NO.2753 OF 2021

NARAYAN YESHWANT PHADKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. A. A. Khande h/f Mr. Sukale G. V.
AGP for Respondents-State Authority : Mr. S. B. Pulkundwar.

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CORAM : V. K. JADHAV, J.
DATE : 10.02.2021

PER COURT :-

1. The learned AGP by referring the ratio laid down by the Supreme Court in case of *Gurudassing Nawoosing Panjwani Vs. State of Maharashtra and others ; [2015(6) Mh.L.J., 915]*, raised a preliminary objection that the petitioners have alternate efficacious remedy of filing the second revision before the State.

2. The learned counsel though not disputed this legal position, however, submits that the concerned authority i.e. the District Superintendent of Land Records, who has condoned the delay of 39 years may disposed off the pending appeal before the petitioners approach to the Minister by filing the second revision. The learned counsel submits that on earlier

occasion, as against the delay condoned by the District Superintendent of Land Records, the petitioners have approached the Deputy Director of Land Records by filing a revision and the Deputy Director of Land Records has remanded the matter to the District Superintendent of Land Records, but even after remand, the District Superintendent of Land Records has condoned the delay and when the petitioners have approached the Deputy Director of Land Records by filing the revision, the Deputy Director of Land Records has held that the revision as against the condonation of delay is not maintainable.

3. In view of this, the petitioners may avail the alternate remedy as available in law of filing the second revision before the State. However, considering this peculiar position, as elaborated above, the District Superintendent of Land Records before whom the appeal bearing appeal No.2522 of 2017 is pending shall not proceed with the hearing of the appeal till the petitioners prefer the revision before the State Government, within a period of three weeks. Writ Petition is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-