

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

WRIT PETITION NO. 3840 OF 2022

Deva Laxman Gaikwad	... Petitioner
Versus	
The State of Maharashtra and others	... Respondents
....	
Mr. D. R. Jayabhar, Advocate for petitioner	
Mr. A. B. Chate, AGP for the State	
....	

CORAM : Y. G. KHOBRADE, J.

DATED : 17th NOVEMBER, 2022

PER COURT :-

. Learned counsel appearing for the petitioner submitted that in the present petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 10.12.2021 passed by the Additional Divisional Commissioner, Aurangabad in Revision No.2020/ROR/REV/CR-59 under the provisions of Section 257 of the Maharashtra Land Revenue (M.L.R.) Code. However, there is second revision is maintainable before the State Government under Sections 5 and 11 of the M.L.R. Code. Therefore, learned counsel for petitioner prayed for permission to withdraw the present petition with liberty to approach before the State Government.

2. It is submitted that on 17.01.2022, the petitioner has filed the present petition and challenged order dated 10.12.2021, passed by the Additional Divisional Commissioner, Aurangabad under Section 257 of the M.L.R. Code. However, as per the provisions of Sections 5 and 11 of the M.L.R. Code, the revision against the order of Divisional Commissioner is maintainable before the State Government. In the case of *Gurudassing Nawoosing Panjwani vs The State of Maharashtra and others – 2016(5) Mh. LJ 12 : 2016(6) ALL MR 468 : 2016(1) AIR Bom.R 1*, the Hon'ble Apex Court held that the second revision is not barred and the revisional authority must be superior to the first revisional authority. Even if, one party goes to the Commissioner in revision, the State Government can still be approached under Section 257 of the M.L.R. Code for revision and satisfy itself as to the legality and propriety of any decision including the order passed in revision by the revenue officers. However, it appears that the petitioner approached before this Court under *bona-fide* impression, therefore, as per the provisions of Section 14 of the Limitation Act, the competent authority/State Government may entertain the revision of the petitioner.

3. In view of the above discussions, the present writ petition is disposed of. No order as to costs.

[Y. G. KHOBRAGADE, J.]

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