

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

951 WRIT PETITION NO.1822 OF 2022

KALPNA GOBJI GAVIT
VERSUS
THE ADDITIONAL COMMISSIONER NASHIK AND OTHERS

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Advocate for Petitioner : Mr. Jain Gajendra Devichand
AGP for Respondents State: Mr. A. B. Chate

CORAM : Y. G. KHOBRAGADE, J.
DATE : 18TH NOVEMBER, 2022

ORDER:

1. It appears that, the petitioner challenged the order dated 13.07.2018 passed by the Additional Commissioner, Nashik Division, Nashik in RTS/Revision/129/2018 under the provisions of Section 257 of the Maharashtra LandRevenue (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 08.02.2021, the petitioner has filed the present petition and challenged order dated 13.07.2018, passed by the Additional Commissioner, Nashik Division, Nashik under Section 257 of the M.L.R. Code. However, as per the provisions of Sections 5, 11 read with section 257 of the M.L.R. Code, the revision against the order of Divisional Commissioner is maintainable before the State Government.

3. 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.

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

(Y. G. KHOBRAGADE, J.)

JPChavan