

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

WRIT PETITION NO.2077 OF 2019

BHAGWATI DEVI MANDIR NAUR THROUGH TRUSTEE RAOSAHEB
GAVAJINATH NANGAL

VERSUS

NARMADA MARUTI NANGAL AND OTHERS

...

Advocate for the Petitioner : Shri Nangare Prashant R.

AGP for Respondents 9 and 10 : Shri P.G. Borade

Advocate for Respondents 2, 3, 5 and 6 : Shri Salunke V.D.

...

CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 15th February, 2022

Per Court:

1. Heard the learned counsel for the petitioner, who is aggrieved by the impugned order passed by the Sub Divisional Officer, Shrirampur, on 26.03.2018.

Pertinent to note that the petitioner invoked the jurisdiction of the Sub Divisional Officer by preferring the revision, which has been captioned as a revision under Section 257 of the Maharashtra Land Revenue Code, 1966. This revision is rejected under the impugned order.

2. It is settled position of law that wrong mentioning of section/provision of a statute, would not permit the authority to exercise the power, which is not vested in the said authority and necessary consequence being if such power has been exercised wrongly, further

remedy available in law is not foreclosed.

3. In the wake of the above, it is open for the petitioner to invoke the power available under Section 257 in assailing the order passed by the Sub Divisional Officer. Apart from this, it is also open for the petitioner to avail the remedy available to him by way of an appeal under Section 247 of the Maharashtra Land Revenue Code. These remedies being available as alternative and efficacious remedies to the petitioner, it is open for him to choose either of them.

This Writ Petition is, accordingly, disposed of with the aforesaid liberty.

kps

(SMT. BHARATI H. DANGRE, J.)