

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10700 OF 2022

Gopalkrishna Shrinivas Kulkarni

...Petitioner

Vs.

Additional Commissioner Pune Division
and Ors.

...Respondents

Mr. Ashok Tajane i/n Ms. Kavita P. Shinde for the Petitioner.
Mr. V. S. Gokhale, 'B' Panel Counsel for the State.

**CORAM : NITIN JAMDAR &
SHARMILA U. DESHMUKH, JJ.**

DATED : 16 SEPTEMBER 2022.

P. C. :

By order dated 18 February 2019, application under section 258 of the Maharashtra Land Revenue Code 1966 was disposed of as not tenable as the Petitioner should have approached by way of an Appeal or Revision. The Petitioner contends that the view taken by the Commissioner is not correct and the Petitioner had rightly approached the learned Commissioner. After the order is passed, the Petitioner has directly filed this Petition. Therefore, we find it appropriate to give liberty to the Petitioner to approach the learned

Commissioner-Respondent No.1. The Commissioner-Respondent No.1 to treat the present Petition as an Application made by the Petitioner to him and consider the legal issue which the Petitioner seeks regarding maintainability of the Application filed before the Commissioner and if the Commissioner is satisfied that the Applicant is correct in pointing out the legal position, it is open to the Commissioner to pass necessary orders.

2. The Writ Petition is disposed of. If the Petitioner so approaches the Commissioner, the Commissioner would consider taking decision within a period of 8 weeks depending upon the earlier time bound commitments and pressing public duties.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)