

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.872 OF 2022

Hanmant Sahebrao Godse & Ors.] ... Petitioners

Vs.

Narayan Laxman Jadkar & Ors.]
] ... Respondents

...

Mr. Dilip Bodake for the petitioners.

Mr. Shantanu Raktate for respondent No.1.

Ms. M.S. Bane, A.G.P. for the State.

...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 28TH JANUARY, 2022.

P.C. :-

1. By this petition, the petitioners seek to challenge the order dated 12/11/2021 passed by the Additional Collector, Satara in R.T.S. Revision Application No.41 of 2021.
2. The learned advocate for the petitioners strenuously submits

that as the respondents have mentioned Section 257 in their application, this petition is rendered untenable.

3. It is settled law that if a party mentions or invokes a wrong provision, it would not mean that the party should be non-suited. The authority, while deciding RTS Second Appeal No.41 of 2021, has noted that the said proceedings are under Section 247 of the Maharashtra Land Revenue Code. By a judgment delivered by the Apex Court in the matter of **Gurudassing Nawoosingh Panjwani vs State Of Maharashtra & Ors.**, a second revision is also held to be maintainable.

4. Schedule E under Section 247 of the Maharashtra Land Revenue Code indicates that the first revision would lie before the Divisional Commissioner, is the contention of the learned advocate for respondent No.1.

5. In view of the above, this petition is disposed off with liberty to the petitioners to avail of the remedy, as is permissible in law.

6. All contentions, sought to be canvassed, are left open.

7. The time spent by the petitioners in this court from 21/12/2021 till the passing of this order today, would be a ground in support of the application for condonation of delay.

[RAVINDRA V. GHUGE, J.]