

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

WRIT PETITION NO. 6567 OF 2019

Ramnath Laxman Jadhav
and anr.

) **Petitioners**

V/s.

State of Maharashtra, thru
Sub-Division Officer, Chandwad
Sub-Division, and Ors.

) **Respondents**

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Mr. Harshad M. Inamdar, Advocate for the petitioners.

Mr. P.V. Nelson Rajan, AGP for State-respondent no.1.

CORAM : SANDEEP K. SHINDE J.
(Vacation Court)

DATE : TUESDAY, 24TH MAY, 2022.

P.C.:

1. Heard.
2. The order dated 27th March, 2018 passed by the Additional Collector, Malegaon, District-Nashik in exercise of

powers under Section 138 of the Maharashtra Land Revenue Code, is challenged in this Writ Petition. The Apex Court in the case of **Gurudassaing Nawoosing Panjwani V/s. State of Maharashtra and Ors. (2016) 2 Supreme Court Cases 213**, has held as under :

“ . From perusal of the entire scheme of the Code including Section 257, it is manifest that the revisional powers are not only exercisable by the State Government but also by certain other Revenue officers. There is nothing in the Code to suggest that if these revisional powers are exercised by a Revenue officer who has jurisdiction, it cannot be further exercised by a superior Revenue officer or by the State Government. A fair reading of Sections 257 and 259 suggests that if revisional powers are exercised by a Revenue officer having jurisdiction to do so, further revisional power can be exercised by the superior officer or by the State Government.

“The Minister concerned of the State Government can entertain second revision to satisfy the legality and propriety of the order passed by the Revenue Officer. The Division Bench of the Bombay High Court has elaborately discussed the question and passed the impugned order holding that Section 257 confers jurisdiction to the State Government to entertain its revision against the order passed by any Revenue Officer either in appeal or in revision. We find no infirmity in the impugned order passed by the High Court.”

“In view of the request made by the appellant before the High Court

not to enter into the merit of the case since the party may prosecute their remedies in the Civil Court for adjudication, we have not expressed any opinion with regard to the merit of the case of the parties. The parties may prosecute their remedies in Civil Court in accordance with law.”

3. In consideration of the facts of the case and the law laid down by the Supreme Court, the petition cannot be entertained by this Court and the petitioner may prosecute the remedy available to him under Section 257 of the Maharashtra Land Revenue Code, before the State Government. In that view of the matter, the petition is disposed of as withdrawn with liberty to file revision before the State Government.

4. If the petitioner files the revision, the State shall pass appropriate orders in accordance with law after hearing the parties. The petition is disposed of in the aforesaid terms.

NEETA
SHAILESH
SAWANT

(SANDEEP K. SHINDE, J.)

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Date: 2022.05.25
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