IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6198 OF 2022

Pandurang Atmaram Sawant (Decd.)
through LRs. Anuradha Pandurang
Sawant and Anr. ...Petitioners
V/s.
State of Maharashtra and Anr. ...Respondents

Mr.Mahesh V. Rawool for the Petitioners.
Mr.R. S. Pawar, AGP for the Respondent-State.

CORAM : PRASANNA B. VARALE AND
SHRIKANT D. KULKARNI, JJ.

DATE : 07 JUNE 2022

P.C.

1. Heard learned counsel for the Petitioners.

2. On hearing the learned counsel for the Petitioners and on perusal of material placed on record, the following facts emerged ;

a. The Petitioner is surviving through his legal heirs i.e. Petitioner Nos.1 to 5.

b. The Petitioner was owner and possessor of certain lands. The details of the said land property are mentioned in paragraph 2 of the Petition.

c. It seems that there was a dispute between the Petitioner Pandurang Atmaram Sawant and Respondent No.2 Smt. Indrayani Vasu Dharne.

d. Certain copies of documents are placed on record viz. the copy of the Will deed at the instance of one Shankar Dublaji Gawas as well as the copy of Mutation Entries in Ferfar

Nondvahi (फेरफार पत्रक). These documents are placed on record as Exhibit 'A' and 'B' respectively.

e. Now the dispute between the parties led to the Appeal proceedings before the Sub Divisional Officer (Revenue), Sawantwadi viz. RTS Appeal No.85 of 2015. This was the Appeal at the instance of the Petitioner being aggrieved by an order dated 5th August, 1975 passed by the Circle Officer, Bhedshi. Now the Appellate Authority assigning certain reasons including the reasons of inordinate delay in filing the Appeal, dismissed the Appeal. The Sub Divisional Officer (Revenue), Sawantwadi, was pleased to observe that as per the provisions of the Maharashtra Land Revenue Code, 1966 more particularly under Section 250, the parties being aggrieved by an order can file the Appeal within stipulated period of 60 to 90 days. But the said Appeal was filed after 40 years.

3. Be that as it may, the Petitioner being aggrieved by the order passed by the Sub Divisional Officer (Revenue), Sawantwadi preferred further Appeal before the District Collector, Sindhudurg being Appeal No.165 of 2016. The District Collector, Sindhudurg, could not find any reason to cause any interference in the order passed by the Sub Divisional Officer (Revenue), resultantly the Appeal was dismissed by the District Collector vide order dated 5th October, 2017. The Appellant Pandurang Atmaram Sawant expired and the Appeal was filed through legal heirs against the order passed by the District Collector, Sindhudurg before the Additional Commissioner, Konkan Division and the same was numbered as Appeal No.110 of 2018. Though the documents show that the

proceeding was filed as an Appeal before the Additional Commissioner, Konkan Division, it was entertained and decided as a Revision under Section 257 of the Maharashtra Land Revenue Code. The Additional Commissioner, Konkan Division also could not find any merits in the Revision, resultantly, the said Revision Application was dismissed vide order dated July 2019. The Additional Commissioner uphold the order of the District Collector, Sindhudurg in Appeal No.165 of 2016 dated 5th October, 2017. The Petitioners then again being aggrieved by an order passed by the Additional Commissioner, Konkan Division, preferred RTS Revision before the Hon'ble Minister, Revenue and Forest, on 12th October, 2019. It seems that as there was no progress in hearing of the Revision Application, an Application was submitted to the Hon'ble Minister (Revenue) on 5th December, 2020 for fixing the date of hearing of the Revision Application. As the Revision Application was not fixed for hearing, again another request was made by the learned counsel for the Petitioners. Learned counsel for the Petitioners on instructions submits that the last date of listing of the matter before the Hon'ble Minister was 5th August, 2019.

4. Learned counsel for the Petitioners on instructions submits that till filing of the Petition and even subsequent filing of Petition for a considerable period, the Revision Application is not taken up for hearing. Learned counsel thus prayed for a direction to Respondent No.1 – the Hon'ble Minister for Revenue and Forest, for early hearing of the Revision Application.

5. Considering all above referred facts, the Petition can be disposed of at the admission stage with directions to Respondent No.1 – the Hon'ble Minister for Revenue and Forest. Hence the following order;

:: ORDER ::

(i) Respondent No.1 - the Hon'ble Minister for Revenue and Forest, Mantralaya, Mumbai, is directed to decide the Revision Application filed at the instance of the Petitioners as early as possible.

(ii) Needless to state that the Appellate Authority i.e. Respondent No.1 is directed to provide a reasonable opportunity of hearing to all parties in the Revision Application.

4. With this direction, the Writ Petition is disposed of.

(SHRIKANT D. KULKARNI, J.) **(PRASANNA B. VARALE, J.)**