

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11976 OF 2015

Kiran Mahadeo Yedave & Anr.

.. Petitioners

Versus

Sukhadeo Kondiba Yedave & Anr.

.. Respondents

-
- Mr. S.S. Redekar for Petitioners
 - Mrs. V.S. Nimbalkar, AGP for State
-

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 13, 2022

P.C.:

1. Heard learned Advocate appearing for Petitioners and learned AGP appearing for State for some time.

2. The impugned order dated 29.08.2013 has been passed in R.T.S. Appeal filed by Petitioners against the order dated 31.01.2004 passed in Second Appeal by the Additional Collector. Both the Advocates are *ad idem* that there is an alternate efficacious remedy available to Petitioners. The dispute between the parties relates back to the year 1993 when the original mutation entry No. 754/93 was mutated in the revenue records which has led to the present litigation.

3. In view of the decision of the Supreme Court in the case of **Gurudassing Nawoosingh Panjwani Vs. The State of Maharashtra**¹, Second Revision Application is maintainable and the Petitioners can

¹ 2016(2) SCC 213

avail the same.

4. Further it appears that the dispute between the parties appears to be between family members of Yedave family.

5. Petitioners are at liberty to take out the Second Revision Application before the appropriate Authority / State as permissible and in accordance with law. If any such Second Revision Application is filed by Petitioners, the same shall be decided by the concerned Authority / State after giving due notice of the same to the Respondents, within a period of six weeks from the date of its filing.

6. It is made clear that Petitioners shall file the Second Revision Application within a period of six weeks from today and it will not be open for the Petitioners to protract or prolong the litigation between the parties.

7. Petitioners are also at liberty to file Suit in the appropriate Court having appropriate civil jurisdiction in respect of ascertaining their rights qua the subject land, if so advised.

8. With the above directions, Writ Petition stands disposed of.

[MILIND N. JADHAV, J.]

Digitally
signed by
RAVINDRA
MOHAN
AMBERKAR
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