

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**WRIT PETITION NO.2791 OF 2020**

(Smt. Parubai w/o Bhaurao Chavhan and another Vs. The Additional Commissioner,  
Amravati Division, Amravati and others)

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.*

*Court's or Judge's orders.*

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Mr. Anand S. Deshpande, Advocate for Petitioners.  
Mr. S. M. Ukey, Addl. GP for Respondents 1 to 3/State.  
Mr. M. P. Kariya, Advocate for Respondent 4.

**CORAM: ROHIT B. DEO, J.**

**DATE: 11<sup>th</sup> JANUARY, 2022.**

The litigation has a checkered history and *prima facie*, the multifarious litigative stages could have been avoided.

2. The genesis is mutation entry dated 06.01.2004. The respondent 4 strongly objects to the said mutation entry, which is presumably effected on an application preferred by the petitioners.

3. It would not be necessary to delve into the merits of the rival contentions.

4. The respondent 4 challenged the mutation entry before the Sub-Divisional Officer, who purported to exercise jurisdiction under Section 257 (3) of the Maharashtra Land Revenue Code, 1966 (Code) and set aside the mutation entry.

5. The petitioners preferred appeal under Section 247 of the Code before the Additional Commissioner which came to be rejected as not tenable. The petitioners preferred revision which too was dismissed and the petitioner's attempt to have the order reviewed, failed.

6. It is common ground that the order of the Sub-Divisional Officer could have been challenged before the appropriate authority by preferring appeal under Section 249 of the Code.

7. In this view of the matter, without intending to observe anything on merits of the rival claims, the petition can be disposed of by permitting the petitioners to prefer appeal before the appropriate authority under Section 249 of the Code.

8. The appropriate authority shall decide the appeal within sixty days and on its own merits uninfluenced by any observation in any earlier round of litigation.

9. All contentions, of the petitioners and then of the respondents in rebuttal, are kept expressly open.

10. The petition is disposed of.

**JUDGE**