

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11382 OF 2023**

Waman Jagannath Dhane ..Petitioners
Through Power of Attorney
Shri. Prakash Yashwant Dhane & Ors.

V/s.

Hamdabaji Charitable Trust ...Respondents
Padali, (Ninam), Through its President
Shri. Samadhan Thoraji Dhane & Ors.

Mr. S. P. Chavan i/b R. P. Kadam & Snehal Jadhav, for the
Petitioners.

Mr. C. D. Mali, AGP, for the Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : SEPTEMBER 13, 2023**

P.C.:

1. Heard Mr. Chavan, learned counsel appearing for the
Petitioners and Mr. Mali, learned AGP appearing for the
Respondent-State.

2. The Petitioners are challenging the letter dated 23th June
2023 passed by the learned Deputy Director of Land Records,
Pune Division, Pune, by which it has been informed to the
Petitioners that their Revision is not competent. The Petitioners
have filed Revision under Section 257 of the Maharashtra Land
Revenue Code, 1966 challenging the legality and validity of the
order dated 6th February 2023 passed by the learned District

Superintendent of Land Records, Kolhapur in Appeal S.R. No.162 of 2022.

3. It is the contention of the learned counsel appearing for the Petitioners that Sub-Section (1) of Section 257 provides for Revision. The said Sub-Section (1) of Section 257 reads as under :-

“**257.**(1) The State Government and any revenue or survey officer, not inferior in rank to an Assistant or Deputy Collector or a Superintendent of Land Records, in their respective departments, may call for and examine the record of any inquiry or the proceedings of any subordinate revenue or survey officer, for the purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer :

[Provided that, no such proceedings under this sub-section or sub-section (2) shall be initiated by any revenue or survey officer after expiry of a period of five years from the date of decision or order of the subordinate officer [except with the previous permission of the State Government].]”

Thus, it is clear that Revision is provided with respect to any decision or order passed.

4. According to the submission of learned counsel appearing for the Petitioners, the impugned order in the Revision is the order by which 42 years of delay is condoned in filing the Appeal by the learned District Superintendent of Land Records,

Kolhapur. Therefore, it is clear that the Revision is maintainable. As this Court is not passing any order on the merits of the matter and merely by letter dated 23th June 2023 of the Deputy Director of Land Records, Pune Division, Pune it has been communicated to the Petitioners without hearing them that said Revision is not competent, notice to the private Respondents is not necessary.

5. Accordingly, the letter dated 23th June 2023 of the Deputy Director of Land Records, Pune Division, Pune is quashed and set aside and the Revision challenging the order dated 6th February 2023 of the District Superintendent of Land Records, Kolhapur in Appeal S.R. No.162 of 2022 is restored to the file of the Deputy Director of Land Records, Pune Division, Pune.

6. The Writ Petition is disposed of in above terms with no order as to costs.

7. The Deputy Director of Land Records to proceed with the said Revision by giving notice to both the parties and decide the same in accordance with law.

8. It is made clear that, if the Respondent Nos.1 to 4 who are private parties are aggrieved by this order then they are at liberty to approach this Court.

[MADHAV J. JAMDAR, J.]