

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

CIVIL APPLICATION (CAW) NO.395/2021

IN

WRIT PETITION NO.4673/2017

Kishor s/o Gulabchandji Agrawal

...Versus...

Shri Vasantao Narayanrao Mehre (Dead) Through his Legal Heirs
Smt. Panchfulabai wd/o Wasantao Mehre and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri K.B. Zinjarde, Advocate for petitioner
Shri J.B. Kasat, Advocate for respondent no.1-B
Shri N.R. Patil, AGP for respondent no.6

CORAM : AVINASH G. GHAROTE, J.

DATE : 16/03/2023

1. Heard Shri J.B. Kasat, learned counsel for the respondent no.1-B. He contends relying upon *Gurudassing Nawoosing Panjwani Vs. State of Maharashtra and others (2016) 2 SCC 213* (para 31) that there is a remedy of second revision available to the Minister concerned under Section 257 of the Maharashtra Land Revenue Code (for short, "the MLR Code", hereinafter) and therefore, the petitioner needs to be relegated to that remedy.

2. The writ petition has been filed in the year 2017. Notices were issued to the respondents on 20/07/2017. The civil application raising the plea has been filed on 20/02/2021

i.e. more than four years after filing the petition. Even after filing of the application, more than two years have passed, in view of which, in my considered opinion, it would be unreasonable to relegate the petitioner to the remedy of second revision under Section 257 of the MLR Code, since the Court has already taken cognizance of the matter by issuing notices and all the parties are served.

3. I, therefore, do not see any reason to relegate the petitioner to the alternate remedy of a second revision at this stage of the matter. The civil application is, therefore, rejected. No order as to costs.

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Stand over to 20/03/2023 at the request of learned counsel for the petitioner.

(AVINASH G. GHAROTE, J.)

Wadkar