



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 11250 OF 2015**

NAVNATH PRALHAD SHINDE AND OTHERS
VERSUS
THE ADDITIONAL COMMISSIONER AND OTHERS

...

Mr. Y. V. Kakade h/f Mr. Niteen V. Gaware, Advocate for the Petitioners.

Mr. S. N. Kendre, AGP for Respondents-State.

Mr. V. V. Tarde, Advocate for Respondent Nos.6(a) to 6(d) and 6(f).

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 09th JULY, 2024.**

P.C.:-

1. The petitioners impugn the order dated 16.07.2015 passed by the Additional Divisional Commissioner, Nashik Division, by which Revision filed by the petitioners under Section 257 of the Maharashtra Land Revenue Code, 1966 (for short 'MLR Code') was refused to be entertained as not maintainable.

2. Mr. Kakade, learned Advocate appearing for the petitioners points out that the Mutation Entry No.232 dated 18.11.1991 certified by the Circle Officer was subjected to challenge before the Sub Divisional Officer at Karjat vide Revision Application No.113/2013. The said Revision Application was allowed and Mutation Entry No.232 was quashed and set aside on 10.04.2014. The respondents filed Second RTS Appeal No.75/2014 before the Additional Collector at Ahmednagar, who quashed and set aside the order of the Sub Divisional Officer and restored the Mutation Entry. The said order was challenged by the petitioners before the Additional Divisional Commissioner in Revision filed under Section 257 of the MLR Code. However, the Additional Divisional Commissioner refused to entertain the said Revision Application as not maintainable.

3. It is apparent that the dispute as regards the Mutation Entry was subject matter before the Sub Divisional Officer. The said proceeding could have been termed as Appeal. However, it is wrongly captioned as Revision Application. Thereafter, first Appeal was filed in terms of Section 247 before the Additional Collector and the order passed in appellate jurisdiction by the Additional Collector was subjected to challenge in Revision Application under Section 257 of the MLR Code. There cannot be dispute that such Revision is maintainable under law. However, under impugned order it has been wrongly refused to be entertained. Hence, the following order:

ORDER

- a. Writ Petition is partly allowed.
- b. The impugned order dated 16.07.2015 is quashed and set aside.
- c. The matter is remanded back to the Additional Divisional Commissioner, Nashik Division for the decision on merits.
- d. The parties shall appear before the Additional Divisional Commissioner, Nashik Division on 05.08.2024.
- e. The Additional Divisional Commissioner, Nashik Division shall endeavour to decide the Revision Application on its own merits within a period of six months from the date of this order.
- f. Writ Petition is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE