IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 539 OF 2023
WITH
CIVIL APPLICATION NO. 14493 OF 2023
IN WP/539/2023

Nanda Haribhau Jadhav And Others
VERSUS
The Collector Ahmednagar And Others
...
Advocate for the Petitioners : Mr. Kulkarni Sanket S.
AGP for Respondent/State : Mrs. A.S. Mantri
Advocate for Respondent Nos.4 & 9 : Mr. P.P. Shahane
Advocate for Respondent Nos.5 to 8 & 11 : Mr. Akhilesh Tripathi
...

CORAM : S.G. MEHARE, J.

DATED : APRIL 24, 2024

PER COURT:-

1. Heard the respective counsels.

2. This is a third round of litigation for a small issue of mutation entry. Many writ petitions were filed seeking directions in the matter which was basically faulty. The simple case of the petitioners was that the the mutation entry be corrected. However, they have nomenclature the appeal as revision under Section 257 of the Maharashtra Land Revenue Code. There was a delay of 33 years in impugning the said mutation entry under the premise that revision lies. The revenue authorities did not comment on the delay condonation application. None of the parties who were very casual in litigation brought to the notice of the High Court or the Revenue

Authority that the mutation entry is appealable and not revisable. It was also not brought to the notice of the Court of law that the appeal may be preferred within the prescribed limitation with an application for condonation of delay under Section 251 of the Maharashtra Land Revenue Code. However keeping the basic issue aside, petitions after petitions were filed. Not only this, the petitioners have also filed contempt petitions against the Revenue Officers. The same mistake was again repeated. The Collector and Commissioner did not commit mistake and observed that no second revision would be allowed against the revision. The revenue officers appears to have not at fault in deciding the matter as the parties have secured the directions of this Court. In such cases, they cannot be blamed. The parties are at fault. They were not pursuing the matter properly. The same mistake is repeated and the real dispute is remained unadjudicated.

3. Therefore to make a justice with the poor litigants, all the earlier orders passed by the Sub-Divisional Officer, Collector and the Commissioner in this matter stand quashed and set aside.

4. The Sub-Divisional Officer is directed to restore the original application which was registered as revision and it be registered as an appeal under Section 257 of the Maharashtra Land Revenue Code.

5. The petitioners shall file an application for condonation of delay under Section 251 immediately. The Sub-Divisional Officer

shall decide the application for condonation of delay first and then proceed with the matter.

6. It is clarified that none of the Revenue Officers should take it as if the Court directed to condone the delay. The delay shall be considered and decided as per the norms provided under Section 251 of the Maharashtra Land Revenue Code.

7. The parties are directed to appear before the Sub-Divisional Officer, Shirdi on 12.06.2024. On that date, the applicant shall submit the application for condonation of delay under Section 251 of the Maharashtra Land Revenue Code making all the parties interested as party to the proceeding including present respondents. They should be joined as a party. The Sub-Divisional Officer to decide the matter purely on merit and within four corners of law.

8. In view of the above, writ petition stands disposed of.

9. Civil Application No. 14493 of 2023 also stands disposed of.

(S.G. MEHARE, J.)

Mujaheed//