

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.538 OF 2024
WITH
WRIT PETITION NO.539 OF 2024**

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Baban Shankar Payagude ... Petitioner

V/s.

Sub-Divisional Officer Haveli and Ors. ... Respondents

Mr. Kalpesh U. Patil, for the Petitioner.

Mr. PG. Sawant, AGP for the State-Respondent Nos. 1
and 2. b vcuj

Mr. Ranjit D. Shinde, for Respondent Nos. 3 and 4.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 16, 2024

P.C.:

1. The petitioner is challenging an order passed by the Revenue Authorities against whom the petitioner has statutory remedy of appeal or revision under Sections 248 and 257 of the Maharashtra Land Revenue Code, 1966.

2. According to the petitioner, the initial order passed by the First Authority was against the dead persons and to cure such defect, the Appellate Authority has directed the petitioner to add legal representatives of such dead persons as respondents in his appeal. Therefore, the Appellate Authority is to cure the defect of passing of order against the dead persons.

3. Apprehension is legally misplaced. If the order passed by the

First Authority is against the dead person, the subsequent addition of legal representatives of dead person in the appellate proceedings did not cure the defect in the order passed against the dead person. Therefore, apprehension expressed is misplaced. The petitioner has alternative statutory remedy to approach the Statutory Authorities under the provisions of Land Revenue Code, 1966.

4. By keeping such right open, both the writ petitions are dismissed.

5. The petitioner is permitted to carry out the amendment before Appellate Authority within one week from today.

(AMIT BORKAR, J.)