

VRJ

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

WRIT PETITION NO.3809 OF 2024

VAIBHAV
RAMESH
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Munalal Gayadin Chauhan

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. P. J. Thorat with Mr. J. S. Yadav i/by Mr.
Bholaprasad S. Shukla for the petitioner.

Mr. D. S. Deshmukh, AGP for the State/respondents.

CORAM : AMIT BORKAR, J.

DATED : MARCH 18, 2024

P.C.:

1. By the impugned order, the Additional Commissioner has refused to grant stay to the petitioner in an appeal under section 247 of the Maharashtra Land Revenue Code, 1966, arising out of proceedings under section 50 of the said Act.

2. The petitioner has alternative statutory remedy by way of revision under section 257 of the Maharashtra Land Revenue Code, 1966. Hence, the writ petition need not be entertained, however, it will be open for the petitioner to raise all contentions before the State Government under section 257 of the Maharashtra Land Revenue Code, 1966.

3. Learned advocate for the petitioner submitted that due to

existence of Model Code of Conduct issued by the Election Commission of India, it is unlikely that the petitioner's revision application will be entertained by the Minister. The Model Code of Conduct issued by the Election Commission of India is in relation to the developmental work or other decisions which has effect on the voting population in the State. The proceedings under section 257 of the Maharashtra Land Revenue Code, 1966, are quasi-judicial proceeding. The existence of Model Code of Conduct in no way shall affect powers of quasi-judicial authorities in the State. Therefore, the apprehension expressed on behalf of the petitioner is misplaced. Hence, the writ petition is disposed of by granting liberty to the petitioner to approach the State Government.

4. In case such revision is filed, the revision application and application for interim relief shall be entertained on merits uninfluenced by the existence of Model Code of Conduct.

5. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)