

VRJ

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

WRIT PETITION NO.6639 OF 2024

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Raakesh Rajendrakumar Agarwaal ... Petitioner
V/s.
 The Additional Commissioner, Kokan
 Division, Mumbai & Ors. ... Respondents

Mr. Kishor Patil with Mr. Amol Mhatre and Mr. Sameer Mhatre for the petitioner.

Mr. Vineet Naik, Senior Advocate with Mr. Aditya Shiralkar, Ms. Naveli Reshamwalla and Ms. Janhavi Hirlekar for respondent Nos.4 and 15.

Ms. M. S. Srivastava, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : MAY 6, 2024

P.C.:

1. The order impugned in the writ petition is passed in exercise of power under section 257 of the Maharashtra Land Revenue Code, 1966 against which the petitioner has a remedy of filing second revision under section 257 of the Maharashtra Land Revenue Code, 1966 before the State Government.

2. According to the petitioner, due to ensuing Model Code of Conduct, the State Government is not exercising quasi-judicial powers; however, this Court already made it clear that Model Code

of Conduct does not apply to quasi-judicial exercise of power. Hence, it is obligatory on the State Government to exercise quasi-judicial power conferred under the provisions of the statute irrespective Model Code of Conduct prescribed by the Election Commission of India is in force.

3. Hence, by keeping remedy of the petitioner to file second revision under section 257 of the Maharashtra Land Revenue Code, 1966 and all questions raised in the writ petition open for being agitated before the State Government, the writ petition is disposed of with liberty to file second revision. No costs.

(AMIT BORKAR, J.)