

VRJ

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

WRIT PETITION NO.11555 OF 2018

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Arun Bhagawant Daule

... Petitioner

V/s.

Sushila Bhagawant Daule & Ors.

... Respondents

Mr. H.D. Chavan i/by Mr. T.D. Deshmukh for the
petitioner.

Mr. Swapnil Kamble, AGP for respondent Nos.7 & 8/
State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 13, 2024

P.C.:

1. The order impugned in the writ petition has been passed by the Additional Collector in exercise of power under section 251 of the Maharashtra Land Revenue Code, 1966, holding that the petitioner's appeal against exercise of revisional power by Sub-Divisional Officer under section 257 of the Maharashtra Land Revenue Code is not maintainable.

2. According to the petitioner, he filed appeal before the Sub-Divisional Officer. However, the Sub-Divisional Officer treated the appeal as revision and, therefore, the Additional Collector ought to have treated the appeal of the petitioner as appeal under section 247 of the Maharashtra Land Revenue Code, 1966.

3. On perusal of the appeal memo and the prayers in the revision application, it is apparent that the petitioner invoked revisional jurisdiction of the Sub-Divisional Officer. Therefore, the impugned order passed by the Additional Collector holding the appeal as not maintainable, need not be interfered with.

4. However, it will be open for the petitioner to adopt appropriate remedy as is available in law. With this clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)