



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6885 OF 2023

Tushar Govind Dharmavat and Anr

.....Petitioners

Vs.

Chafa Namdeo Padher Dec Thr
Legal Heirs and others

.....Respondents

Mr. Sachin Khandagale for the petitioners
Mr. Samir Kumbhakoni for respondents
Ms. M. P. Thakur, AGP for the State

CORAM : GAURI GODSE, J.

DATE : 5th MARCH 2024

P.C.

1. This petition takes an exception to the order allowing the delay condonation application filed by respondent nos. 1 to 4. The said order is revisable under section 257 of the Maharashtra Land Revenue Code, 1966 ('MLRC').

2. Learned counsel for respondent nos. 1 to 4 relies upon the decision of this Court in the case of **Ramanlal s/o Kachardas Bakliwal**

& Anr Vs. Niyaj Mohammad Khan Akhil Khan and Ors¹ in support of his preliminary objection that the impugned order is revisable.

3. Learned counsel for the petitioners states that since there is gross illegality in the impugned order, this petition may be entertained though there is alternate remedy available.

4. All the submissions made by the petitioners can be examined by the revisional authority. Hence, I do not see any reason to entertain this petition.

5. Writ petition is disposed of on the ground that the petitioners have an efficacious alternate remedy.

6. Petitioners are at liberty to adopt appropriate proceedings for challenging the order impugned in this petition. The petitioners will be entitled to seek benefit of the period of the pendency of this petition for seeking condonation of delay, if any, in adopting alternate remedy.

7. It is clarified that I have not examined the rival contentions of the parties on merits. Hence, all contentions of all parties are kept open.

¹ 2003 BCI 304

8. Learned counsel for the petitioners requests to extend the ad-interim relief already granted by this Court for a limited period to enable the petitioners to seek appropriate relief in the alternate proceedings that will be initiated.

9. Ad-interim relief already granted by this Court on 15th June 2023 is extended for a period of 8 weeks from today, subject to petitioners filing alternate appropriate proceedings within 4 weeks from today.

10. It is clarified that if proceedings are not initiated, protection granted by this order shall automatically stand cancelled.

[GAURI GODSE, J.]