

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 10924 OF 2024

Babutai Vishnu Kadam And Ors. Petitioners

Versus

The State Of Maharashtra Thr. Hon'ble Respondents
Minister Revenue And Forest Dept And
Ors.

Adv. Umesh H. Pawar, for the Petitioners.

Adv. Y. D. Patil, AGP, for Respondent Nos.1 to 5 – State.

Adv. Nikhil N. Pawar, for Respondent Nos.6 to 10.

CORAM : R. M. JOSHI, J.

DATE : 23rd SEPTEMBER, 2024.

P.C. :

1. Leave to amend.
2. Heard.
3. Learned counsel for the Petitioners submits that the Divisional Commissioner as well as Minister have misinterpreted provisions of Section 258(1) of the Maharashtra Land Revenue Code, 1966 (for short “M.L.R. Code). It is his submissions that in the instant case the Additional Collector who had passed the order

himself has reviewed the same. In such circumstances owing to the proviso to Section 251, no permission of the Higher Authority was required for entertaining such review. Perusal of the impugned order indicates that there is apparent misinterpretation of the above provision. Hence, it is a fit case for stay of passed by the Minister dated 13th March, 2024 as well as order of the Divisional Commissioner dated 15th September/2022, till the next date of hearing.

4. Issue notice to the Respondents, returnable on 23rd October, 2024.

5. Mr. Y. D. Patil waives service on behalf of Respondent Nos.1 to 5.

6. Mr. Nikhil N. Pawar waives service on behalf of Respondent Nos.6 to 10.

7. Reply, if any, be filed before the next date of hearing.

(R. M. JOSHI, J.)