



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17123 OF 2024

Priya Prabhakar Rane.

...Petitioner.

Versus

State of Maharashtra and Others.

...Respondents.

Mr. R. A. Thorat, Senior Advocate along with Mr. Akshay Shinde and Ms. Pratibha Shelke for the Petitioner.

Mr. S. D. Rayrikar, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : November 29, 2024.

P. C. :

1. Heard.
2. By this petition, the challenge is to the order dated 21st October 2024 passed by the Additional Commissioner rejecting the application seeking dismissal of revision application filed by the Respondent No.2 herein against the order of the Deputy Collector dated 30th March 2017.
3. Mr. Thorat, learned Senior Advocate appearing for the Petitioner submits that against the order of Deputy Collector dated 30th March 2017, the predecessor-in-title of Respondent No.2 herein had already preferred a revision application under Section 257 of the MLRC before the Additional Commissioner, which had attained finality of dismissal, which was not challenged further, and thereafter Respondent No.2, claiming through the Revision Applicants in the earlier round of

proceedings, has approached the same authority against the same order of Additional Collector, which is unsustainable.

4. Issue notice to the Respondents, returnable on **10th January 2025**. In addition to Court notice, learned counsel appearing for the Petitioner to serve the Respondents by private notice by all possible modes of service and file affidavit of service before the next date.

5. Learned AGP waives notice for the Respondent No. 1.

6. Upon perusal of the record, it appears that against the order of Additional Collector dated 30th March 2017, revision application was preferred by some of the Respondents which came to be dismissed and the order of Additional Collector was confirmed by order of 23rd December 2019. The order was not challenged further and the Respondent No.2 herein mounted a fresh challenge to the order of Deputy Collector dated 30th March 2017, which is *prima facie* legally unsustainable.

7. In the light of above, till the next date there shall be ad-interim relief in terms of prayer Clause (c), which reads thus :

“pending hearing and final disposal of this Writ Petition, to grant stay to the proceedings bearing RTS Revision Application No. Appeal/Desk/RTS/Rev/95/2024 pending before Ld. Additional Commissioner, Konkan Division, Mumbai.”

[Sharmila U. Deshmukh, J.]