



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition (WP) No. 716 of 2024

Gurmukhsingh S/o Awatsingh Bashim and others

Versus

Additional Commissioner, Nagpur and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Sunil Manohar, Senior Advocate assisted by Shri
Aditya Chaudhari, Advocate for the petitioners.
Mrs. Mrunal Naik, AGP for the respondent nos. 1 to 3.
Shri N.B.Kalwage, Advocate for the respondent no.4 to
6.

CORAM : ANIL S. KILOR, J.

DATED : 6th MAY, 2024.

Heard.

2. The order dated 18th December, 2023
passed by the Additional Commissioner, Nagpur
Division, Nagpur, allowing the revision application
partly and thereby setting aside the order of the
Additional Collector, Nagpur dated 5th January, 2009
and further condoning the delay of about 5 years in
filing revision under Section 257 of the Maharashtra

Land Revenue Code, 1966 (in short hereinafter referred as “MLR Code, 1966), is under challenge in this writ petition.

3. Shri Manohar, learned Senior Advocate for the petitioner points out that, the Additional Commissioner, Nagpur has wrongly recorded the findings that there is a delay of about five years, whereas the delay in this case is of 14 years.

4. He has further pointed out the provision i.e. proviso to Section 257(1) of MLR Code, 1966, which reads thus:

257. Power of State Government and of certain Revenue and Survey Officers to call for and examine records and proceedings of subordinate officers.

(1) The State Government and any Revenue or Survey Officer, not inferior in rank to an Assistant or Deputy Collector or a Superintendent of Land Records, in their respective departments, may call for and examine the record of any inquiry or the proceedings of any subordinate Revenue or Survey Officer, for the purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.

[Provided that, no such proceedings under this sub-section or sub-section (2) shall be initiated by any revenue or survey officer after expiry of a period of five years from the date of decision or order of the subordinate officer [except with the previous permission of the State Government]

5. From the above referred provision, it is evident that in case of delay of more than five years, the permission from the State Government is required.

6. In the circumstances, as no such permission was obtained and there is no compliance of proviso to Section 257(1) of the MLR Code, 1966, the writ petition is partly allowed in following term.

The order dated 18th December, 2023 passed by the Additional Commissioner, Nagpur is hereby quashed and set aside. The Additional Commissioner, Nagpur is granted liberty to apply for such permission as required under proviso to Section 257(1) of the MLR Code, 1966, if he so desires.

7. Accordingly, the writ petition is disposed of.

[ANIL S. KILOR, J.]