



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 2721 of 2019

Maroti S/o Ramaji Dahake and ors. ..vs.. Shri Yashwant S/o Ramaji Dahake and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. M. M. Ghatode, Advocate for the petitioners
Mrs. M. R. Joharapurkar, Advocate for respondent nos. 1, 3, 5 to 19
Smt. S. N. Thakur, AGP for respondent nos. 20 to 23

CORAM : ANIL L. PANSARE J.

DATED : 26-09-2024

Heard for some time.

2. It appears that the petitioners have challenged order dated 24-8-2015 passed by the Sub Divisional Officer before two forums, one is the Additional Collector under Section 247 of the Maharashtra Land Revenue Code, 1966 (for short 'Code') and another is before the Additional Commissioner under Section 257 of the Code. This obviously is not permissible. Learned counsel for respondents submits that the appeal filed before Additional Collector is still pending. Unfortunately, the Additional Commissioner has proceeded to decide the revision without there being any order passed by the Additional Collector.

3. The petitioners appear to have misled the Additional Commissioner. Learned counsel for the petitioners failed to point out that the Additional Commissioner was apprised of pendency of the appeal.

4. As such, the Additional Commissioner ought to have enquired with the petitioner before entertaining the

revision about the order passed by the appellate authority. Nonetheless, the fact remains that the petitioners have misled the authorities and approached this Court against the order passed by the Additional Commissioner. The petition is accordingly dismissed. The petitioners may pursue remedy before the Additional Collector.

(Anil L. Pansare, J.)

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