



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

WRIT PETITION NO. 3143 OF 2019

(Akshay Banduji Dambhare & Anr. Vs. Dy. Director of Land Record, Nagpur Division & Ors.)

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

Court's or Judge's orders.

Shri A.A. Dhawas, Counsel for the petitioners.
Ms D.I. Charlewar, A.G.P. for respondent nos. 1 and 2.
Shri A.C. Jaltare, Counsel for respondent nos. 3 and 4.

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CORAM : ANIL L. PANSARE, J.
SEPTEMBER 12, 2024

Challenge is to order dated 12/3/2019 passed by the Deputy Director of Land Records, Nagpur, refusing to entertain review application filed by the petitioners on the ground that review is not maintainable. The Deputy Director has held that the petitioners ought to have filed appeal under Section 248 or revision under Section 257 of the Maharashtra Land Revenue Code, 1966 (for short "the Code").

2] The Deputy Director appears to have lost sight of what has been provided under Section 258 of the Code. Section 258 provides that the State Government and every revenue or survey officer may, either on its or his own motion or on an application of any party interested, review an order passed by itself or himself or by its or his predecessor in office.

3] That being so, the Deputy Director of Land Records failed to exercise jurisdiction under Section 258 of the Code and arrived at an erroneous conclusion that

the remedy available is to file appeal under Section 248 or Section 257 of the Code.

4] The petition is accordingly partly allowed. Order dated 12/3/2019 passed by the Deputy Director of Land Records, Nagpur, is quashed and set aside. Review application no. 39/2018-19 is restored on the file of respondent no.1 – Deputy Director of Land Records, who shall consider the same afresh in the light of provisions of law.

5] The parties shall appear before the Deputy Director on 26/9/2024.

(ANIL L. PANSARE, J.)

Sumit