



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

Civil Application (CAW) No. 3302 of 2023
in

Writ Petition No. 8065 of 2022

[Pandhari Bhaiyaji Shahare ..vs.. The Collector, Bhandara and ors.]

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

Court's or Judge's orders

Mr. S. A. Sahu, Advocate for the applicants/respondent no. 7
Mr. S. S. Ghate, Advocate for the petitioner
Mr. H. D. Dube, AGP for respondent nos. 1 to 6

CORAM : ANIL L. PANSARE J.

DATED : 08-08-2024

Perused the application. Legal representatives of respondent no. 7 have filed the present application to direct the petitioner to bring them on record. The request being reasonable, is accepted.

2. The petitioner shall bring on record legal representatives of respondent no. 7 in terms of application made by them. The amendment be carried out forthwith.

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3. Issue notice to newly added respondents. Learned Counsel Mr. S. A. Sahu waives notice for the newly added respondents.

4. The grievance of the petitioner is that he filed appeal against the order passed by the Sub Divisional Officer before the Additional Collector, Bhandara which came to be rejected on the ground that it has no jurisdiction and, secondly, that the appeal has been filed under Section 247 of the Maharashtra Land Revenue

Code, 1966 when in fact it ought to have been filed under Section 249 of the said Code.

5. Learned Assistant Government Pleader in his reply stated that the petitioner may file appeal against the order impugned in terms of Section 249 of the Maharashtra Land Revenue Code.

6. In view thereof, petition is disposed of with direction to respondent no. 2 to treat the appeal filed by the petitioner as appeal under Section 249 of the Maharashtra Land Revenue Code and decide the same in accordance with law.

7. The parties shall appear before the Additional Collector, Bhandara on 26-8-2024.

8. The interim relief granted by this Court on 15-12-2022 by which the order dated 11-1-2022 passed by the Sub Divisional Officer, Bhandara was stayed shall continue till 26-8-2024.

9. The Additional Collector, Bhandara shall then decide whether interim relief should be continued or not.

10. All questions are kept open.

(Anil L. Pansare, J.)