2025:BHC-AUG:22121-DB

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO. 46 OF 2025

MINAKSHI SURESH THORAT
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

AND
914 WRIT PETITION NO. 50 OF 2025

MINAKSHI SURESH THORAT
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

AND
1058 WRIT PETITION NO. 49 OF 2025

NAVNATH DHONDIBA ARAGADE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

AND
1059 WRIT PETITION NO. 466 OF 2025

MACHINDRA DHONDIBA ARAGADE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

…..
Advocate for the Petitioner/s : Mr. Shermale K. N.
AGP for Respondents/State : Ms. S.S. Joshi & Mr.V.M. Kagne
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CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.
DATE : 13th August, 2025

P.C. :-

1. The learned counsel for the Petitioners submits that all these petitions can be disposed of in the light of the order dated 17.07.2025 passed by this Court in Writ Petition No.51/2025 (Minakshi Suresh Thorat V/s. The State of Maharashtra & Ors.) and connected petitions. The issues arising in these four petitions are identical to the issues pertaining to the said petitions disposed of by the order dated 17.07.2025.

2. In the said order, we had held as follows :

> *"5. After hearing the learned counsel for the petitioners, we find that there is substance in the contention raised on behalf of the petitioners that the revision proceedings initiated suo moto by the Respondent – Deputy Collector, based on a report submitted by the Respondent – Sub Divisional Officer, cannot be said to be in accordance with law, particularly Section 257 of the Maharashtra Land Revenue Code, 1966 (herein after the Code).*
>
> *6. Section 257 (1) of the said Code reads as follows :*
>
> > *257 (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 subsection (2) shall be initiated by any revenue or survey office 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].*

7. A proper appreciation of the above quoted provision shows that there is a limitation of five years from the date of a decision or order and that suo moto proceedings cannot be undertaken after expiry of the period of five years, except when previous permission of the State Government is obtained in connection with such suo moto proceedings.

8. The learned AGP could also not demonstrate before this Court as to whether 'previous permission' was taken before the impugned report of Respondent – Sub Divisional Officer was prepared on the basis of which the impugned suo moto revision proceedings have been undertaken by the Respondent – Deputy Collector.

9. In the absence of previous permission being obtained and in the admitted position on facts that such suo moto revision proceedings have been initiated in the context of orders passed prior to five years from the point in time when the suo moto revision proceedings have been undertaken, the impugned actions of the said respondents cannot be sustained.

10. In that view of the matter, the writ petitions deserve to be allowed in terms of the prayers made therein.

11. Failure of service of notice on some of the respondents need not detain this Court in proceeding to allow the petitions, simply for the reason that the State authorities are really the contesting parties and they are represented by the learned AGP. The private respondents are in fact similarly situated like the petitioners and no prejudice would be caused to them upon the petitions being disposed of.

12. In view of the above, the writ petitions are allowed. The impugned reports prepared by the Sub Divisional Officer suo moto and consequential suo moto revision proceedings initiated by the Respondent – Deputy Collector are quashed and set aside.

> *13. It is clarified that the concerned authorities would always be at liberty to take such steps as available in law, by complying with Section 257 (1) of the Code quoted herein above."*

3. Since in these four petitions also, the suo moto revision proceedings have been initiated after five years from the date of the order which is sought to be made subject matter of such suo moto revision proceedings, we are convinced that the reports of the Sub-Divisional Officer impugned in these petitions as also the suo moto revision proceedings initiated by the Respondent/Deputy Collector deserve to be quashed and set aside.

4. In view of the above, these Writ Petitions are allowed. The impugned reports prepared by the Sub-Divisional Officer and suo moto consequential revision proceedings initiated by Respondent/Deputy Collector are quashed and set aside.

5. It is clarified that the concerned Authorities would always be at liberty to take such steps as available in law by complying with Section 257(1) of the Maharashtra Land Revenue Code, 1966.

[Y.G. KHOBRAGADE, J.] **[MANISH PITALE, J.]**

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