IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

25 WRIT PETITION NO. 6078 OF 2018

Rupesh Harakchand Sharma ….Petitioner

VERSUS

Ashok Amolakchand Mutha And Others …..Respondents

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Mr. K.M. Nagarkar, Advocate for the Petitioner
Mrs. D.S. Jape, AGP for State
Mr. A.P. Bhandari, Advocate for respondent No. 1 and 2

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CORAM : MANJUSHA DESHPANDE, J.

DATE : 20th JANUARY, 2025

ORDER :

1. In the present writ petition petitioner is challenging the order passed Deputy Commissioner, Nasik Division, Nasik in RTS Appeal No. 620/2016, by which revision filed by the petitioner has been rejected. Similarly, the petitioner has also challenged the order passed in RTS Appeal No. 83/2016 passed by Sub Divisional Officer, Ahmednagar dated 06.11.2017.

2. Upon going through the order passed by Sub Divisional Officer, Ahmednagar passed in RTS Appeal No. 83/2016 it is clear that after remand of the matter, Sub Divisional Officer, Ahmednagar has decided the appeal itself on

its own merits and Mutation Entry No. 6104 has been quashed.

3. Both the reliefs claimed by the petitioner in the present petition cannot be entertained since the order passed by Deputy Commissioner, Nashik can be challenged before the State Government in a Revision.

4. Now the second revision is very well maintainable against the order of Deputy Commissioner in view of judicial pronouncement of Hon'ble Supreme Court in the case of ***Gurudassingh Nawoosing Panjwani v. State of Maharashtra***, 2015 AIR SCW 6277.

Learned advocate for the respondent places reliance on the said judgment, more particularly on para 32 of the said judgment, wherein it is observed that; *"Section 257 confers jurisdiction to the State Government to entertain its revision against the order passed by any Revenue Officer either in appeal or in revision."*

Therefore, so far as challenge to the order passed by Deputy Commissioner is concerned, the petitioner has remedy to file Revision before the State Government. Similarly against the order passed by Sub Divisional Officer petitioner has remedy to file Appeal before Additional Collector, as per Section 247 of Maharashtra Land Revenue Code. Therefore, in view of the fact that against both the reliefs sought by the petitioner in the writ petition, petitioner is having alternate and substantive remedy as provided under Maharashtra Land Revenue Code. Hence, the writ petition deserves to be dismissed and the same is dismissed as such.

5. However, the Petitioner is at liberty to pursue the remedies as available in law. It is made clear that the delay caused in prosecuting the present petition shall be considered by the Revenue Authorities while considering the application for condonation of delay in the proceeding filed by the petitioner.

(MANJUSHA DESHPANDE, J.)