



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8772 OF 2018

Sitaram Tukaram Koli & ors.

... **PETITIONERS**

VERSUS

The State of Maharashtra & ors.

... **RESPONDENTS**

.....

Mr. Mangesh G. Patil, Advocate for petitioners

Mr. A.A.A. Khan, A.G.P. for State

Mr. C.V. Dharurkar, Advocate for R.No.3

.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 19th JUNE, 2025

ORDER :

Civil Application No.6098/2025 filed for bringing on record the legal representatives of the deceased Petitioner No.5 is allowed. Amendment to be carried out forthwith.

2. The petitioners have filed the present Petition with following main prayers :

- B) Stay to the implementation, execution and operation of order dated 20/03/2004 in Tenancy Appeal No.10/2002 till the disposal of present Writ Petition.

- C) The Hon'ble High Court, by issuing the writ of certiorari or any other suitable writ, directing the Respondent No.2 to accept the Revision Application tendered by the Present Petitioners.

3. Learned Advocate for the Petitioners submits that, against the order passed by the Sub-Divisional Officer, Jalgaon, they had preferred Appeal/ Revision before the Divisional Commissioner, Nasik. The Divisional Commissioner forwarded the said Appeal/ Revision to the learned Maharashtra Revenue Tribunal. The learned Maharashtra Revenue Tribunal disposed of the said Appeal/ Revision bearing Case No.68/B/2004/JGN on 14/12/2016, observing that the Revision was wrongly sent to the Revenue Tribunal by the Additional Commissioner, Nasik and dropped the proceedings by holding that the Tribunal was having no jurisdiction. Learned Advocate for the petitioners submits that, despite the said observations by the Revenue Tribunal, the office of the Divisional Commissioner, Nasik did not accept the Revision/ Appeal of the Petitioners. Therefore, the Petition.

4. Learned Advocate appearing for the Respondent

No.3 opposes the Petition. He submits that, merely to kill the time the Petitioners have filed the Writ Petition. He submits that, since the Respondent No.3 has filed the Execution Petition before the Tahsildar, this Petition came to be filed to see that the execution is stalled. He submits that, the Petition be dismissed.

5. Learned A.G.P. appearing for the Respondents No.1 and 2 submits that, to escape the delay caused in preferring the Revision before the Divisional Commissioner, Nasik, this Petition is filed and the same may be dismissed.

6. In the aforesaid order, the learned Maharashtra Revenue Tribunal dropped the proceedings and observed that, the pendency of the said proceedings before the Maharashtra Revenue Tribunal may not be counted for deciding the delay in the proposed filing i.e. Revision before the Divisional Commissioner.

7. It is not disputed by either side that the remedy available to the Petitioners was Appeal/ Revision before the Divisional Commissioner under Section 257 of the

Maharashtra Land Revenue Code, 1966. Thus, we dispose of the Petition with the following order :

ORDER

- (i) The Petitioners would be at liberty to approach the Competent Forum i.e. Divisional Commissioner, Nasik by filing Appeal/ Revision under Section 257 of the Maharashtra Land Revenue Code, 1966. If the Divisional Commissioner's office, Nasik receives such Appeal/ Revision, the same shall be considered and decided in accordance with law.
- (ii) We make it clear that, the time spent in pursuing this Petition shall not be construed as delay in entertaining and deciding the Appeal/ Revision by the Divisional Commissioner, Nasik, if filed.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-