



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

908 WRIT PETITION NO.51 OF 2025

MINAKSHI SURESH THORAT

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS**

AND

914 WRIT PETITION NO.34 OF 2025

NAVNATH DHONDIBA ARAGADE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS**

...

AND

915 WRIT PETITION NO.37 OF 2025

SHOBHA SOMNATH GUNJAL

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS**

...

AND

916 WRIT PETITION NO. 43 OF 2025

NAMDEO TAKAJI NAWALE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS**

...

AND

917 WRIT PETITION NO.45 OF 2025

GAJENDRA BAJABA ABHANG
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS

...

AND

919 WRIT PETITION NO. 53 OF 2025

KARBHARI RABHAJI SHRIRTAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS

...

AND

1057 WRIT PETITION NO.32 OF 2025

SHOBHA SOMNATH GUNJAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

...

AND

1058 WRIT PETITION NO.38 OF 2025

MILIND MADHAVRAO KANWADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. K.N. Shermale
AGP for Respondents: Ms. Saie S. Joshi

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**CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.**

DATE : 17.07.2025

PER COURT:

1. These petitions raise identical issues. While issuing notice in these petitions, this Court had directed that there shall be stay in all the revision proceedings initiated by Respondent No.3 – Deputy Collector.
2. Today these petitions are listed with remarks to the effect that service is not complete on some of the respondents.
3. The learned AGP submits that the petitioners in these petitions are enjoying interim stay and they are deliberately not taking steps to serve the unserved respondents.
4. In this context, we called upon the learned counsel appearing for the petitioners to address this Court on the main issue that arises for consideration.
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 sub-section (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 sub-ordinate 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.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)