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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2255 OF 2019

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Vitthal Dnyanu Khade

... Petitioner

V/s.

The Hon'ble Minister, Revenue & Forest
Department, Maharashtra State
& Ors.

... Respondents

Mr. Nagesh Chavan h/f Mr. Rahul B. Khot for the
petitioner.

Ms. Dhruti Kapadia, AGP for the State-respondent
Nos.1 to 4.

Mr. Sanjeev Kadam, Senior Advocate with Varsha
Thorat, Pratik Deshmukh and Aditi Rajput i/by Mr.
Prashant Raul for respondent Nos.5A to 6E.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 5, 2025

P.C.:

1. The challenge in this writ petition under Article 226 of the Constitution of India is to an order passed by the Principal Secretary @ Officer on Special Duty (Appeal & Revision) for Revenue Department, Maharashtra State thereby dismissing revision application filed by the petitioner under Section 257 of the Maharashtra Land Revenue Code, 1966.

2. It appears that the consolidation scheme was finalized in the year 1975, however, the petitioner applied for modification of the

scheme under Section 32(1) of the Act after period of 39 years. Once the revisional authority comes to a conclusion that revision applicant is not entitled to relief, the revisional authority is not justified in granting relief of non-appealing respondent. Clause 2 of the order dated 22 November 2018 grants relief in favour of non-appealing respondent. Hence, Clause 2 of the impugned order cannot be sustained.

3. Hence, the following order:

The impugned order to the extent of Clause 2 of order dated 22 November 2018 passed by the Principal Secretary @ Officer on Special Duty (Appeal & Revision) for Revenue Department, Maharashtra State in Revision Application No.29(05) of 2018 is quashed and set aside.

4. However, rights and contentions of both the parties are kept open.

5. The writ petition stands disposed of in above terms.

(AMIT BORKAR, J.)