Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7322 OF 2015

Mahadev Pandurang Suryawanshi … Petitioner
V/s.
Sopan Pandurang Suryawanshi & Ors. … Respondents

None for the petitioner.

Mr. D. D. Rananaware for respondent Nos.1 to 3, 4A, 4B, 4D & 5.

Mr. S. B. Kale, AGP for State – respondent.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 29, 2025

P.C.:

1. In view of the authoritative judgment rendered by the Hon'ble Supreme Court in **Gurudassing Nawoosingh Panjwani vs. State of Maharashtra & Ors.,** reported in **(2016) 2 SCC 213**, it stands unequivocally settled that in matters pertaining to land revenue disputes under the Maharashtra Land Revenue Code, 1966, the legislative scheme, as interpreted by the Court, mandates that the appropriate and efficacious remedy lies in filing a revision petition under Section 257 of the Maharashtra Land Revenue Code, 1966. The Court, in the aforementioned judgment, underscored the legislative intent to streamline adjudicatory processes by vesting revisional jurisdiction in the State Government to ensure uniformity and finality in such disputes.

Consequently, the petitioner is hereby directed to avail the statutory remedy of revision under Section 257, in accordance with the law.

2. In light of the foregoing, this Court refrains from adjudicating the merits of the contentions raised in the present petition. All questions of fact and law, including those pertaining to the legality, propriety, or jurisdictional errors alleged in the impugned orders, shall remain open to be agitated afresh in the second revision petition before the competent authority under the State Government. It is clarified that the dismissal of the instant petition on grounds of availability of an alternative remedy shall not be construed as an expression of opinion on the merits of the case, nor shall it prejudice the rights of the petitioner to raise all permissible grounds in the revision proceedings, in accordance with the principles of natural justice and the statutory framework governing such revisions.

3. With respect to the exclusion of time spent in pursuing the present petition, this Court, hereby directs that the period during which the petitioner bona fide prosecuted these proceedings before this Court shall be excluded for the purpose of computing the limitation period for filing the revision petition under Section 257 of the Maharashtra Land Revenue Code, 1966.

(AMIT BORKAR, J.)