

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12004 OF 2025**

Bharat Dari Shejal & Ors.Petitioners

Vs.

The State of Maharashtra & Ors.Respondents

Mr. Suryajeet P. Chavan, for the Petitioner.

Mr. J. P. Patil, AGP, for the Respondents-State.

Mr. Balwant Salunkhe, for the Respondent No.5.

Mr. Rahul Patil, for the Respondent No.6.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 26th NOVEMBER 2025

PC.:-

1. The Petitioners impugn order dated 30th October 2025 passed by Sub Divisional Officer, Miraj (For short, 'SDO'), whereby the RTS Revision Application filed by Petitioner against order passed by Tahsildar/Mamlatdar in Proceeding No.7 of 2023. The perusal of impugned order would show that Revision Application filed by Petitioner has been disposed of without touching to merits of contentions, for the reasons that Revision Application was titled as 'Under Section 257 of Maharashtra Land Revenue Code, 1966', although Revision Application ought to have been filed under Section 23(2) of Mamlatdar's Courts Act, 1906.

2. It is trite that although proceeding is filed quoting incorrect provision of law, Authority, who is entrusted with very same powers of revision can exercise the same and decide matter on merits without going into technicality. In present case, undisputedly, learned Tahsildar/Mamlatdar had passed order in exercise of powers conferred under Section 5 of the Mamlatdar's Courts Act, 1906 and said order was subjected to revision before learned SDO, who is empowered to exercise revisional jurisdiction under Section 23(2) of Mamlatdar's Court Act, 1906.

3. In that view of the matter, impugned order cannot be sustained in law and same is accordingly quashed and set aside.

4. The matter is remitted back for reconsideration before Sub Divisional Officer, Miraj, who shall treat Revision Application filed by Petitioner under Section 23(2) of Mamlatdar's Courts Act, 1906 and decide the same on its own merits within a period of two months from today.

5. Parties to appear before Sub Divisional Officer, Miraj on **8th December 2025.**

(S. G. CHAPALGAONKAR, J.)