



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5841 OF 2023

PETITIONERS :- 1. Late Mr. Baliram S/o Mallu Parvatkar
through legal heirs

a. Mrs. Gangabai Wd/o Baliram
Parvatkar, aged about 84 years,
Occupation-Household,

b. Mr. Gopal S/o Baliram Parvatkar,
aged about 62 years, Occupation-
Private Job,

c. Mr. Aakash S/o Late Madhukar
Parvatkar, aged about 29 years,
Occupation-Private Job,

d. Mr. Dilip S/o Baliram Parvatkar,
aged about 52 years, Occupation-
Private Job,

e. Mr. Ramesh S/o Baliram
Parvatkar, aged about 48 years,
Occupation-Private Job,

f. Mr. Mangesh S/o. Baliram
Parvatkar, aged about 45 years,
Occupation-Private Job,

All i.e. 1(a) to (e) are R/o Belatarodi,
Tahsil and District-Nagpur.

g. Mrs. Kamlabai W/o Rajkumar
Hule, aged about 60 years,
Occupation-Household, R/o-Sukali,
Tahsil-Tumsar, District-Bhandara

h. Mrs. Shobhabai W/o Ghanshyam
Channekar, aged about 57 years,

Occupation-Household, R/o-Anjora,
Tahsil-Amgaon, District-Gondia

i. Mrs. Mandabai W/o Vijay
Uzgaonkar, aged about 54 years,
Occupation-Household, R/o Sakoli,
Tahsil Sakoli, District-Bhandara

j. Mrs. Sunita W/o Ramesh
Barsagade, aged about 50 years,
Occupation-Household, R/o.
Belatarodi, Tahsil & District-Nagpur

..VERSUS..

- RESPONDENTS** :-
1. State of Maharashtra through Secretary Department of Revenue, Mantralaya, Madam Cama Road, Hutatma Rajguru Square, Nariman Point, Mumbai-400032.
 2. Office of Additional Commissioner, Nagpur Division, Nagpur.
 3. Office of Additional Collector, Bhandara District Collector Office, Bhandara-441904
 4. Office of Sub-Divisional Officer, Sakoli Tahsil-Sakoli, District-Bhandara.
 5. Office of Naib Tahsildar, Sakoli, Tahsil-Tumsar, District-Bhandara.
 6. Mrs. Gunpriya W/o Hansdas Tagde, aged about 51 years, Occupation-Ex-sarpanch, R/o.-Jambhali (Khamb), Tahsil-Sakoli, District-Bhandara.

Mr. S. B. Tiwari, Advocate for petitioner.

Mr. R. R. Dawda, Advocate for the respondent No.6.

Mrs. D.I. Charlewar, AGP for respondent/State.

CORAM : ROHIT W. JOSHI, J.

DATE : 26.11.2025

ORAL JUDGMENT :

1) **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned Advocate for the respective parties.

2) The petitioner is aggrieved by the order dated 31.03.2018 passed by the learned Additional Collector, Bhandara in Revenue Case No.40/LND-19/2016-2017 of village Jambhli Khamba, Tahsil Sakoli, District Bhandara, whereby application for condonation of delay in filing appeal under Section 247 of the Maharashtra Land Revenue Code, 1966, filed by the petitioner came to be rejected, as also the order dated 27.01.2023 passed by the learned Additional Commissioner, Nagpur, Division Nagpur in Revision No.463/LND-19/2019 of village Jambhli (Khamba) Tahsil Sakoli, District Bhandara, whereby revision filed by the petitioner challenging the aforesaid order passed by the learned Additional Collector came to be rejected.

3) Perusal of order passed by the learned Additional Collector will demonstrate that although the appeal was filed under Section 247 of the MLR Code and application for condonation of delay was filed seeking condonation of delay in filing appeal, the learned Authority has erroneously referred to Section 257 of the MLR Code, which deals with revisions, to hold that the application could not be entertained after a period of 5 years from the date of order.

4) Apart from this, it is observed that the delay is not properly explained. The finding that the delay is not properly explained is in the nature of conclusion. The learned Additional Collector has not dealt with the contents of the application seeking condonation of delay before arriving at the said conclusion.

5) The learned Revisional Authority has committed the same error while rejecting the application for revision.

6) In view of the above, the petition is partly **allowed** in the following terms:-

i. Order dated 31.03.2018 passed by the learned Additional Collector, Bhandara in Revenue Appeal Case

No.40/LND-19/2016-17 and order dated 27.01.2023 passed by the learned Additional Commissioner, Nagpur, Division Nagpur in Revenue Revision No.463/LND-19/2019 are quashed and set aside.

ii. The matter is remitted to the learned Additional Collector for adjudication of the application for condonation of delay afresh.

iii. Contention of the learned Advocate for respondent No.6 that the land over which the petitioner claims interest is different than the land allotted to respondent No.6 is kept open.

Rule is made absolute in above terms.

(ROHIT W. JOSHI, J.)

Tanmay..