



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

WRIT PETITION NO.3934/2022

Gulabsing S/o Ratansing Jadhav and another
...Versus...

The Additional Commissioner, Amravati Division, Amravati and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. Tejas Deshpande, Advocate for petitioners
Mrs. H.S. Dhande, AGP for respondent Nos.1 to 4
Mrs. R.S. Sirpurkar, Advocate for respondent Nos.5 to 8

CORAM : ROHIT W. JOSHI, J.
DATE : 10/10/2025

1. The petitioners challenge the order dated 02/06/2021 passed by the Additional Commissioner, Amravati Division, Amravati in Revision No.357/BND-10/Belura Takarkheda/2018-19. The dispute between the parties arose in relation to a road. The dispute was decided by the Tahsildar, Nandura vide order dated 10/06/2015 by which application filed by the present respondent Nos.5 to 8 with respect to road passing over the boundaries of village Takarkheda and Belura was allowed by directing the present petitioners to restore the said road. The present petitioners preferred an appeal against the said order before the Sub Divisional Officer, which was dismissed and thereafter second appeal before the Additional Collector, which met with same fate. Aggrieved by the aforesaid orders the petitioners preferred the aforesaid revision application.

2. The learned Additional Commissioner has dismissed the revision on the ground that the order passed by the Tahsildar was in exercise of powers under Section 142 of the Maharashtra Land Revenue Code, 1966 (for short hereinafter referred to as “MLR Code”) and that in view of Section 142 (3) MLR Code the order was not subject to appeal. It is further held that since the order is not appealable, revision against the said order can be entertained only by the State Government.

3. The learned Advocate for the petitioners states that in the event the order is treated as one passed under Section 142 of the MLR Code, the Tahsildar will not have the jurisdiction and if it is considered as being passed under Section 143 the revision before the Commissioner would be maintainable. Learned Advocate states that powers under Section 142 of the MLR Code are not delegated to the Tahsildar.

4. The contention that the order is passed under Section 142 of the MLR Code was not raised before any of the authorities. Although an observation is made by the learned Commissioner that the learned Sub Divisional Officer has made a reference to Section 142 in the order passed by him, perusal of the order does not indicate any such observation by the learned Sub Divisional Officer.

5. In that view of the matter, the revision is remitted to the learned Additional Commissioner for deciding the same afresh in accordance with law. The parties to appear before the Revisional Authority on 10/11/2025. Parties to note that fresh notice for appearance will not be issued. The Authority is

directed to decide the revision as expeditiously as possible and in any case before 30/04/2026 since the dispute pertaining to existence of road arose in the year 2015.

6. The writ petition is disposed of accordingly.
No order as to costs.

(ROHIT W. JOSHI, J.)

Wadkar