



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

WRIT PETITION NO.4602 OF 2025

(Shubham Balu Wankhade and another Vs. Sub-Divisional Officer, Tiosa-Bhatkuli,
Dist. Amravati and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Sawan Alaspurkar, Advocate for Petitioners.
Mrs. Mrunal S. Naik, AGP for Respondent Nos.1 & 2/State.

CORAM: ROHIT W. JOSHI, J.

DATE: 2nd SEPTEMBER, 2025.

1. The petitioners are respondent Nos.1 and 2 in Wahivat Dava No.08/2022-2023 which came to be decided by order dated 04.12.2023 passed by the Tahsildar, Bhatkuli, District Amravati exercising powers under Section 143 of the Maharashtra Land Revenue Code, 1966. The petitioners filed appeal challenging the said order invoking Section 247 of the Maharashtra Land Revenue Code. The appellate authority i.e. the Sub-Divisional Officer however, has treated the appeal as a revision preferred under Section 23 of the Mamlatdar Court's Act, 1906. The provision of Mamlatdar Court's Act are not attracted in as much as the application was filed for grant of a road under Section 143 of the Maharashtra Land Revenue Code and not for removal of obstruction on an existing road under Section 5 of the Mamlatdar Court's Act.

2. The appeal which was treated as a revision came

to be dismissed vide order dated 13.05.2025. The petitioners have preferred petition challenging the aforesaid order passed under Section 143 of the MLR Code and the revisional order dated 30.05.2025.

3. The learned AGP raises an objection that the petitioners should avail alternate remedy of filing second appeal. The learned Advocate for the petitioners argues that alternate remedy of filing second appeal is available in view of Section 247 of the MLR Code. However, he points out that the appellate authority has wrongly treated the appeal as a revision under Section 23 of the Mamlatdar Court's Act and therefore, expresses apprehension that further appeal may not be entertained since the Mamlatdar Court's Act does not provide any further appeal.

4. The learned Sub-Divisional Officer has erred in treating the appeal filed under Section 247 of the MLR Code as a revision under Section 23 of the Mamlatdar Court's Act. The order dated 30.05.2025 passed by the Sub-Divisional Officer, Tiosa-Bhatkuli, District Amravati in Revision Case No.MCA5/Jalka Hirapur Tq. Bhatkuli/ED-11/2024 shall be treated as an order passed in appeal filed under Section 247 of the MLR Code.

5. The petitioners shall be at liberty to challenge the said order by filing second appeal as provided under Section 247 of the MLR Code. The period spent in prosecuting the present petition will be excluded for computation of

limitation in view of provisions of Section 14 of the Limitation Act.

6. The writ petition is disposed of accordingly.

(ROHIT W. JOSHI, J.)

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