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

WRIT PETITION No. 6532/2024

PETITIONERS : 1. Gurmukhsingh S/o Awantsingh Bashin,
Aged about 59 years,
Occupation : Business,
R/o Plot No. 182, Shankar Nagar, Nagpur – 440010

2. Sutinderpalsingh Gurukhsingh Arora,
Aged about 62 years,
Occupation : Business,
R/o Bunglow No. 101, Heritage Apartment, Temple Road, Civil Lines, Nagpur – 440001

3. Jasbirsingh S/o Gurucharansingh Arora,
Aged about 60 years,
Occupation : Business,
Bunglow No. 103, Heritage Apartment, Temple Road, Civil Lines, Nagpur – 440001

4. Khalilsingh S/o Bhagatsingh Khuarana,
Aged about 58 years,
Occupation : Business,
R/o 19, Pankaj Prabha, Dharampeth, Nagpur 440010

5. Apsi S/o Dhinshaw Bapuna,
Aged about 71 years,
Occupation : Business,
R/o Banaz, Byramji Town,
Nagpur – 440013

6. Adil S/o Dinshaw Bapuna,
Aged about 68 years,
Occupation : Business,
R/o Banaz, Byramji Town,
Nagpur – 440013

7. Abad S/o Dinshaw Bapuna,
Aged about 68 years,
Occupation : Business,
R/o Banaz, Byramji Town,
Nagpur – 440013

Vs.

RESPONDENTS : 1. State of Maharashtra, Revenue and Forest Department, Mantralaya, Mumbai

2. Additional Commissioner, Nagpur Secretariat Building, Opposite General Post Office, Civil Lines, Nagpur – 440001

3. Additional Collector, Nagpur, office of District Collector, Civil Lines, Nagpur, Maharashtra 440001

4. Superintendent of Land Records, Kalmeshwar District – Nagpur

5. Shri Lomesh Ruprao Karale,
R/o Plot No. 193, The Central Railway Employees Co-operative Society, Surendranagar, Nagpur – 44015

6. Kumari Shraddha Ruprao Kalrale,
R/o Plot No. 193, The Central Railway Employees Co-operative Society, Surendra Nagar, Nagpur – 44015

7. Smt. Jyoti Ruprao Karale,
R/o Plot No. 193, The Central Railway Employees Co-operative Society, Surendra Nagar, Nagpur – 44015

Mr. A.D. Chaudhari, Advocate for Petitioners
Ms. D.I. Charlewar, AGP for Respondent Nos. 1 to 4
Mr. N.B. Kalwaghe, Advocate for Respondent Nos.5 to 7

CORAM: SACHIN S. DESHMUKH, J.

DATED : 19th AUGUST, 2025

JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties at the admission stage.

2. The petitioner is aggrieved by the communication dated 24.07.2024, issued by the respondents herein, which is contrary to the mandate of Section 257(1) of the Maharashtra Land Revenue

Code (For short, MLR Code), permitting the initiation of the revision proceedings. The contention put-forth by the counsel for the petitioner is regarding the unsustainability of the impugned communication which is rather apparent since the same is issued contrary to the provisions of Section 257(1) of the Code, which essentially has to be after conferring or extending the opportunity to the person in case the initiation of the proceeding is after an expiry of period of five years from the date of decision or the order of the subordinate officer. To substantiate the same, counsel for the petitioner has placed reliance on the authoritative pronouncement of this Court reported ***2022 SCC OnLine Bombay 1756***, in the case of ***Pankaj Unit Vs. State of of Maharashtra***, to contend that in the event, a case having been decided on the false or insufficient information and the concerned aggrieved person fails to make an application raising the grievance before the expiry of five years from the date of decision or order of the subordinate authority, the revisional authority does not have any power to decide the revision application under Section 257(1) of the MLR Code. The proviso to Section 257(1) of the Code mandates that after expiry of period of five years from the date of decision or order of the subordinate authority prior permission of the State Government is to be obtained by the Revenue or Survey Officer. Para 120 of the said judgment unequivocally obligates that as the order of grant of permission by the State Government entails severe consequences, even if personal hearing being not contemplated specifically under the proviso to Section 257(1) of the Code, such hearing is implied in the proviso and cannot be refused. Further contention of the counsel for the petitioner is that when this Court has relegated the matter to the State for deciding the issue, it was incumbent for the concerned Department to extend the hearing as is held by the Division Bench of this Court in the case of ***Pankaj Unit*** (supra).

3. Para 120 of the said judgment reads as under :

> ***"120.*** *There is no substance in the submission made by the learned AGP and Mr. Damle, learned senior counsel for the Corporation that hearing of the petitioners can be rendered only at the stage of hearing of the revision application and not at the stage of considering the application for seeking permission. In our view, since the order that could be passed by the State Government entails civil consequences, even if the personal hearing is not contemplated specifically under proviso to Section 257(1), such hearing is inbuilt in the said provision and cannot be refused."*

4. Mr. N.B. Kalwaghe, counsel for the respondent Nos.5 to 7 fairly submits that in absence of compliance with proviso to Section 257(1) necessarily the matter deserves to be remitted to the

concerned authority to decide it afresh by adhering to the statement of law declared by this Court in the case of Pankaj Unit (supra).

5. Having considered the rival submissions of the litigating sides, the matter is remitted to the concerned authority to reconsider the issue of grant of permission in the wake of proviso to Section 257(1) of the MLR Code which ought to be in accordance with the observations of this Court in the case of ***Pankaj Unit*** (supra). Therefore, the impugned communication is contrary to the statement of law, rendered by this Court in the case of ***Pankaj Unit*** (supra), as no opportunity was ever extended to the petitioner, resultantly, the impugned communication is quashed and set aside. The concerned authority is directed to reconsider the issue in the light of the observations made hereinabove. Accordingly, the petition is allowed.

Rule is made absolute in above terms. No order as to costs.

(SACHIN S. DESHMUKH, J.)

MP Deshpande