IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2655 OF 2023

Bapurao Laxman Gawali Through Power Of Attorney Holder Babasaheb Kisan Pawar

VERSUS

The Tehsildar Majalgaon And Another

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Mr. V. D. Sapkal, Sr. Adv a/w Mr. A. D. Khedkar, Mr. B. R. Salgude, Mr. V. K. Bhosale, Mr. Y. A. Jadhav i/b Mr. V. B. Jagtap, Advocates for the Petitioner
Mr. S. P. Sonpawale, AGP for Respondent-State
Mr. S. B. Deshpande, Sr. Adv. i/b Mr. S. V. Jadhwar, Advocate for Respondent no.2
Mr. M. S. Karad, Advocate for Respondent nos.2 to 8 in WP 2699/2016

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WITH
CIVIL APPLICATION NO. 2590 OF 2022
IN WP/2699/2016
WITH
WRIT PETITION NO. 2699 OF 2016

Bapurao Laxman Gawali Through Gpa Babasaheb Kisan Pawar

VERSUS

Janardhan Bhujangrao Garje And Others

.....

CORAM : AJIT B. KADETHANKAR, J.

DATED : 22ND OCTOBER, 2026

P.C. :-

. Mr. V. D. Sapkal, Sr. Adv a/w Mr. A. D. Khedkar, Mr. B. R. Salgude, Mr. V. K. Bhosale, Mr. Y. A. Jadhav i/b Mr. V. B. Jagtap, learned Advocates as also Mr. S. B. Deshpande,

Sr. Adv. i/b Mr. S. V. Jadhwar, submit that Writ Petition No.2699 of 2016 is clubbed with Writ Petition No.2655 of 2023 under the administrative orders. Learned Advocates further submit that by an order dated 07.10.2024, this Court passed an order thereby directing that Writ Petition No.2655 of 2023 be tagged together with Writ Petition No.2699 of 2016. They submit that, although initially at an earlier point of time, a reservation was expressed by the respondents' side for clubbing the matters; however subsequently the matters came to be clubbed together under the order of this Court dated 07.10.2024, to which they had no objection. Thus both the matters are placed by the Registry before this Court.

2. After hearing the matters at length it is revealed that at least more than ten to twelve Civil Suits are pending either between the parties or concerning the subject-matter land, wherein different orders are passed in favour of either parties.

3. Mr. V. D. Sapkal, learned Senior Advocate submits that Hon'ble the then Minister for Revenue ought to have considered the findings recorded by the Civil Court particularly in Regular Civil Suit No.32 of 2004 while deciding the revision. He would submit that the Hon'ble Minister only

considered the civil proceedings which were in favour of the present respondents. The further submission is that even after passing of the impugned order, the parties are in further civil litigation. Although the present litigation arises out of mutation controversy, still keeping the law in mind that the findings of Civil Court will prevail on the revenue entries, he submits that the matter be remanded to the Hon'ble Minister back for reconsideration with an opportunity to the petitioner to demonstrate the findings in the civil proceedings, which are in favour of the petitioner.

4. On the other side, Mr. S. B. Deshpande, Sr. Adv.i/b Mr. S. V. Jadhwar, learned Advocate for respondent no.2 on instructions would place his assertion concurs for remittance of matter back to the Hon'ble Minister for fresh consideration. He submits that even the respondents would prefer to bring on record another two subsequent events, which would substantiate the earlier decision passed by the Hon'ble Minister to get it confirmed.

5. Accepting concurrence by both the sides for remittance of the subject matter of writ petition No.2699 of 2016, I deem it appropriate to dispose of Writ Petition No.2699 of 2016 by

remitting it back for fresh consideration of the Hon'ble Minister. Writ Petition No.2699 of 2016 thus stands disposed of without any order on merits. The matter stands remitted back for fresh consideration by the Hon'ble Minister-Revenue with a request to complete the proceedings within a period of three months from today.

6. The parties candidly agree to appear before the Hon'ble Minister on 02.11.2026 and would solicit the further schedule of hearing. All contentions kept open.

7. So far as Writ Petition No.2655 of 2023 is concerned, Mr. S. B. Deshpande, learned Senior Advocate submits that the petitioner has an alternative statutory remedy of filing an appeal before the Divisional Commissioner under Section 247 of the Maharashtra Land Revenue Code 1966. He would submit that in all fairness it would be appropriate for the petitioner to avail himself of the said remedy.

8. Mr. V. D. Sapkal, learned Senior Advocate concurs with the said submission and submits that his client would prefer such appellate procedure. He would however submit that the limitation must not come in the way of petitioner, if such proceeding is filed.

9. The request advanced by Mr. V. D. Sapkal, learned Senior Advocate is absolutely moderate one. In view of this, Writ Petition No.2655 of 2023 stands disposed of with liberty to the petitioner to assail the impugned order as per the appeal provision under the relevant rules.

10. When such appeal is filed, the Appellate Authority shall not dismiss such proceeding on the point of limitation.

11. Civil Application if any, stands disposed of.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026