IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11158 OF 2025

Subhash Rameshwar Agrawal,
Age: 71 years, Occu.: Business,
R/o Adarsh Nagar, Shirpur,
Tq. Shirpur, Dist. Dhule. ..Petitioner

VERSUS

1. The State of Maharashtra,
Through it's Secretary,
Land Revenue, Animal Husbandry,
Dairy Development and Fisheries
Department, Maharashtra State,
Mantralaya, Mumbai.

2. The Hon'ble Minister,
Land Revenue, Animal Husbandry,
Dairy Development and Fisheries
Department, Maharashtra State,
Mantralaya, Mumbai.

3. The Additional Commissioner,
Nashik, Division Nashik. 3.

4. The Additional Collector,
Dhule, Dist. Dhule. 4.

5. The Sub Divisional Officer,
Shirpur, Tq. Shirpur,
Dist. Dhule. 5.

6. The Circle Officer, 6.
Shirpur, Tq. Shirpur,
Dist. Dhule.

7. Shri Jagdish Rameshwar Agrawal,
Age: 74 years, Occu.: Business,
R/o Adarsh Nagar, Shirpur,
Tq. Shirpur, Dist. Dhule. ..Respondents

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Advocate for the Petitioner : Mr. P.R. Katneshwakar, Senior Advocate
i/b. Mr. D.R. Bagul
AGP for Respondent Nos.1 to 6 : Mr. S.R. Yadav Lonikar
Advocate for Respondent No.7 : Mr. A.P. Bhandari

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CORAM : S. G. CHAPALGAONKAR, J.
RESERVED ON : APRIL 18, 2026
PRONOUNCED ON : APRIL 30, 2026

JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally with consent of parties.

2. Present petition takes exception to order dated 14.10.2024 passed by respondent nos.1 and 2 in Revision Application No.3124/PK.31/J-6A, whereby respondent no.1 remitted matter back to Sub Divisional Officer for fresh inquiry by condoning delay in raising challenge to Mutation Entry No.2534 effected on 01.06.1989 in respect of survey number 170/3, situated at Shirpur.

3. The petitioner contends that on 01.06.1989, petitioner and respondent no.7 jointly purchased suit land under registered sale deed in the name of respondent no.7 i.e. elder brother. After purchase of property, respondent no.7 made an application for joint mutation in the name of both brothers. Accordingly, on 30.06.1989, Mutation Entry No. 2534 was certified. Respondent No.7 had never objected joint mutation entry. The petitioner as well as respondent availed loan facilities from bank on the basis of aforesaid mutation entry in the year 2001 and 2005, respectively. However in the year 2013, when dispute erupted in family, respondent no.7 filed Revision Application No.5 of 2013 before Sub-Divisional Officer under section 257 of

Maharashtra Land Revenue Code assailing Mutation Entry No.2534 after 24 years.

4. The Sub Divisional Officer rejected revision application. His order was confirmed by Additional Collector as well as Additional Commissioner. However, State Government entertained respondent's revision application by setting aside order passed by all three revisional authorities and remitted matter back to Sub Divisional Officer, Shirpur, by condoning delay of 24 years.

5. Mr. Katneshwarkar, learned senior advocate appearing for petitioner would submit that all three authorities had rightly declined to entertain challenge to mutation entry made after 24 years. Section 257 of Maharashtra Land Revenue Code does not empower authority to entertain revision application beyond five years. Even State Government would not be legally competent to entertain revision against an order passed by revenue officer after 24 long years. Even State Government may entertain challenge within reasonable period up to three years. He would therefore urge that impugned order is passed overstepping parameters of jurisdiction, hence, liable to be quashed and set aside.

6. Per contra, Mr. Bhandari, learned advocate appearing for respondent no.7 would submit that Mutation Entry No.2534 was contrary to record. The sale deed of 1989 was in the name of respondent no. 7. If mutation entry would have given effect deference

to sale deed, there was no reason to incorporate name of petitioner as co-owner in record of rights. According to him, unless a person is a holder, occupant, owner, mortgagee or tenant, his name cannot be entered in record of rights. In present case, there is nothing to show any right of petitioner in property. As such, mutation entry was nonest. The State Government has power to call for record and proceedings at any time and set aside order passed by revenue authorities. Even State Government has authority to condone delay and permit revenue officers to entertain revision application beyond period of five years. He would therefore urge to maintain the order impugned.

7. Having considered submissions advanced by learned advocates appearing for respective parties, it can be observed that dispute in writ petition pertains to Mutation Entry No.2534 that was effected on 01.06.1989 in respect of plot no.3 which is part of Gat No.170/3 situated at Shirpur, District Dhule. Admittedly, respondent no.7 raised challenge to mutation entry after 24 years. The record indicates that respondent no.7 had knowledge of joint mutation entry in his name and in the name of petitioner. However, for the first time it is challenged in the year 2013 by filing a revision before Sub Divisional Officer/respondent no.5.

8. Section 247 of Maharashtra Land Revenue Code provides for appeal from any decision or order passed by a revenue or survey

officer specified in column 1 and 2 of schedule. Admittedly, order directing mutation entry is appealable in terms of Section 247 of Maharashtra Land Revenue Code. In present case, respondent no.7 invoked revisional jurisdiction of respondent no.5 under section 257 of Maharashtra Land Revenue Code. The proviso to sub-clause (1) of Section 257 prescribes that no such proceeding under sub-section (1) and (2) shall be initiated by any revenue or survey officer after expiry of five years from the date of decision or order of subordinate officer, except with permission of State Government. In present case, it is apparent that previous permission was not obtained from State Government before filing or entertaining revision by Sub Divisional Officer. Pertinently, Sub-section (4) of Section 257 enables State Government to modify, annual or reverse any order issued under sub-section (1) or (2). Although, no limitation is prescribed for entertaining such revision by State Government and there is no restriction on power of State Government to permit any revenue officer to entertain revision application, it is not expected that such powers are exercised without adhering to concept of reasonable period.

9. In case of ***Santoshkumar Shivgonda Patil and Others Vs. Balasaheb Tukaram Shevale and Others*** reported in ***(2009) 9 SCC 352***, Hon'ble Supreme Court considered parameters of jurisdiction of

State Government under Section 257 of Maharashtra Land Revenue Code. In Para 11 and 12, Hon'ble Supreme Court observed as under :

> *"11. It seems to be fairly settled that if a statue does not prescribe the time limit for exercise of revisional power, it does not mean that such power can be exercised at any time; rather it should be exercised within a reasonable time. It is so because the law does not expect a settled thing to be unsettled after a long lapse of time. Where the legislature does not provide for any length of time within which the power of revision is to be exercised by the authority, suo motu or otherwise, it is plain that exercise of such power within reasonable time is inherent therein.*
> *12. Ordinarily, the reasonable period within which power of revision may be exercised would be three years under Section 257 of the Maharashtra Land Revenue Code subject, of course, to the exceptional circumstances in a given case, but surely exercise of revisional power after a lapse of 17 years is not a reasonable time. Invocation of revisional power by the Sub-Divisional Officer under Section 257 of the Maharashtra Land Revenue Code is plainly an abuse of process in the facts and circumstances of the case assuming that the order of Tehsildar passed on 30-3-1976 is flawed and legally not correct."*

10. Recently, in case of ***Thirunagalingam Vs. Lingeswaran and Another*** reported in ***2025 6 SCR 253***, Hon'ble Supreme Court observed that only when sufficient cause or reasons given for delay by litigant and opposition of other side is equally balanced or stand on equal footing, Court may consider merits of main matter for the purpose of condoning delay. The delay should not be condoned merely as an act of generosity. Pursuit of substantial justice must not come at cost of causing prejudice to opposing party.

11. In wake of exposition of law by Hon'ble Supreme Court, particularly as regards to exercise of jurisdiction under section 257 of Maharashtra Land Revenue Code, this Court finds that State Government itself was not empowered to entertain lis after lapse of 24 years. As such, it could not have condoned delay and relegated matter to Sub Divisional Officer to entertain revision after 24 years. The exercise of jurisdiction by State Government in facts of case cannot be countenanced and has to be termed as *ultra vires*. In result, impugned order deserves to be quashed and set aside.

12. Hence, Writ Petition is allowed in terms of prayer clause (B).

13. Needless to state here that parties are at liberty to establish their rights by filing appropriate proceeding before Competent Civil Court without impeded by impugned revenue entry.

14. Rule is made absolute in above terms.

(S.G. CHAPALGAONKAR, J.)

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