



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

**WRIT PETITION NO.7001 OF 2024**

Prakash Keshavrao Deshmukh Vs. The Divisional Commissioner, Amravati  
Division, Amravati and Ors.

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

Court's or Judge's orders.

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S/Shri R.S. Sunderam with U.R. Tanna, Advocates for petitioner.  
Ms M.R. Kavimandan, AGP for respondent/State.  
Shri V.V. Sharma, Advocate for respondent no.5.

**CORAM : M.W. CHANDWANI, J.**

**DATE : 26.02.2026.**

1. The petition challenges the order dated 11.10.2024 passed by respondent no.1 -the Divisional Commissioner, Amravati Division, Amravati in Revenue Appeal No.07/RTS/64/Shegaon/ Buldhana / 2024 dismissing the appeal filed by the petitioner and confirming the order / communication dated 09.05.2024 passed by the respondent no.2-Collector, Buldhana granting permission to the respondent no.4-Sub-Divisional Officer, Khamgaon to review the order dated 17.10.1986 in the case bearing No.RTS-64/Shegaon/9/1985-86.

2. Though various grounds have been raised in this petition but the principal ground which has been focused on by the petitioner is that the said order passed and the permission granted to the Sub-Divisional Officer therein for review of its own order is granted after 35 years without there being any application to condone the delay on behalf

of respondent no.5 and without filing of review application before the Sub-Divisional Officer. Rather, it is respondent no.5 who filed an application for correction of the order dated 17.10.1986 before the Collector and the Collector sought report from respondent no.3 – the Additional Collector, Buldhana who therein filed a report stating that it is a fit case for granting permission to the Sub-Divisional Officer to review its order.

3. Having heard learned counsel for the petitioner, learned Assistant Government Pleader for State and learned counsel for respondent no.5 and having gone through Section 257 of the Maharashtra Land Revenue Code (for short, “MLR Code”) the mistake does not appears to be clerical mistake. Therefore, I do not find support in the argument of learned counsel for respondent no.5 that clerical correction can be exercised suo motu by the Collector and therefore no period of limitation is prescribed. Rather, the application for correction in the order dated 17.10.1986 has been filed by respondent no.5 for exercising power of review. Therefore, it ought to have been filed within 90 days as prescribed under Section 258 of the MLR Code. Nevertheless, respondent no.5 can file application for condonation of delay. Since the review has been sought of the order dated 17.10.1986, the application of condonation of delay and review would lie before the Sub-Divisional Officer who has passed the order dated 17.10.1986. Therefore, the order / communication dated 09.05.2024

passed by the Collector granting permission to review the order passed by the Sub-Divisional Officer does not stand and is hereby set aside. Consequently, the order of the Divisional Commissioner, Amravati Division, Amravati is also set aside.

4. The Collector, Buldhana is directed to send the application of respondent no.5 for deciding the matter afresh to the Sub-Divisional Officer, Khamgaon. Respondent no.5 is at liberty to file an application for condonation of delay before the Sub-Divisional Officer, Khamgaon who shall after hearing both the parties decide the application for condonation of delay and accordingly can proceed with the application of the review filed by respondent no.5, in accordance with provisions of law.

5. With this, the petition stands disposed of.

**(M.W. Chandwani, J.)**

*Wagh*