



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

**WRIT PETITION NO.2251 OF 2025**

Vasudha Raipure and others

.Vs.

The Divisional Commissioner, Nagpur and others

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Mr Mohan Sudame, Sr. Adv. a/b Mr. Saransh Wasnik and Mr Abhishek Sonar, Advocates for the petitioner.

Mr I. J. Damle, AGP for respondent Nos. 1, 2 and 4/State

Mr Kiran Lad, Advocate for respondent No.3  
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**CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.**

**DATED : 3<sup>rd</sup> FEBRUARY, 2026.**

P.C.

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of learned counsel for the parties.

3. In the present writ petition, the challenge is raised to the order dated 12.11.2024 passed by the respondent No.1-Divisional Commissioner permitting the District Collector to review its order granting NA permission on 04.11.1972 and subsequent revised order dated 20.05.1992.

4. The only ground on which the legality of the order is questioned, is that, such permission was granted after a period of more than 30 years, which is not permissible under the provision namely Section 258 of the Maharashtra Land Revenue Code, 1966 (for short 'the MLR Code').

5. In light of the said submission, we have perused the provisions of Section 258 which relates to review of orders, which permit the State Government and every revenue or survey officer, either on its or his own motion or on the application of any party interested, review any order passed by itself or himself or any of its or his predecessor in office and pass such orders in reference thereto as it or he thinks fit.

6. Proviso (i) to Sub Section (1) of Section 258 of the MLR Code says that if the Collector or Settlement Officer thinks it necessary to review any order which he has not himself passed, on the ground other than that of clerical mistake, he shall first obtain the sanction of the Commissioner or the Settlement Commissioner, as the case may be.

7. In the present case, the order granting NA permission was by the Sub Divisional Officer, Chandrapur and accordingly, the impugned permission was granted by the Divisional Commissioner.

8. As far as limitation is concerned, the relevant provision is proviso (iv) to Sub Section (1) of Section 258 of the MLR Code which says that no order affecting any question of right between private persons shall be reviewed except on an application of a party to the proceedings, and no such application for review of such order shall be entertained unless it is made within ninety days from passing of the order.

9. It is thus evident from the proviso (iv) to sub-section (1) of Section 258 of the MLR Code that the

limitation prescribed for such review is 90 days from passing of the order. Moreover, the expression 'unless it is made within ninety days', imposes a condition for entertaining such a request for review, not beyond ninety days.

10. In the matter at hand, the first order of NA was passed on 04.11.1972 and the subsequent revised order is dated 20.05.1992, whereas the impugned permission for review was granted on 12.11.2024. If the period from the first order of NA dated 04.11.1972 is calculated, it will be more than 50 years and if it is calculated from the revised order dated 20.05.1992, it is more than 30 years. Moreover, it appears that such permission was granted on the complaints of certain citizens, for making them available an open space.

11. After perusal of the order dated 04.11.1972 it can be seen that out of total area 6.83 acres, the permission for residential purpose was granted to the extent of 1.26 acres and there is no permission granted as far as the area demarcated in yellow colour. Similarly, the open space was shown in green colour.

12. Mr I. J. Damle, learned AGP though tried to point out how the review is permissible on the points on which the permission was granted, however he could not point out that such permission can be granted beyond the period prescribed under proviso (iv) to sub-section (1) of Section 258 of the MLR Code.

13. In the circumstances, considering the limitation provided for such review we are of the opinion that such permission ought not to have granted for the reason that it was beyond the period prescribed under proviso (iv) to sub-section (1) of Section 258 of the MLR Code. The impugned order therefore, does not stand for scrutiny and hence, it needs to be quashed and set aside.

14. Accordingly, we pass the following order :

- i) The Writ Petition is allowed.
- ii) The impugned order dated 12.11.2024 passed by Respondent No.1 is hereby quashed and set aside.

The writ petition is **disposed of** accordingly.

Rule is made absolute. No order as to costs.  
Pending applications, if any, also stand disposed of.

[RAJ D. WAKODE, J]

[ANIL S. KILOR, J.]