



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

WRIT PETITION NO.4377 OF 2025

ANIKET SURAJ OLLALWAR

VERSUS

DISTRICT COLLECTOR, GADCHIROLI AND OTHERS

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. A.R. Fule, Advocate for Petitioner.

Ms. K.H. Bhondge, AGP for Respondent Nos.1 to 5-State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 25th FEBRUARY 2026

PER COURT :-

1. Heard learned Advocate for the petitioner.
2. The petitioner has challenged the orders dated 09.06.2025, passed by Civil Judge Senior Division, Gadchiroli, in R.C.S. No.75 of 2023, on an application at Exhibit 57 for framing preliminary issues and application at Exhibit 63 for amendment of plaint.
3. Learned Advocate for the petitioner, on instructions, gives up his challenge to the order dated 09.06.2025, on the application at Exhibit 63, by which the amendment application is allowed.

4. While raising the challenge to the order dated 09.06.2025 on the application at Exhibit 57, for framing preliminary issues, learned Advocate for the petitioner submits that the impugned order is passed without considering the amended prayer clause properly, by which the plaintiff has prayed the relief for cancellation of mutation entries. He, therefore, submits that, in view of Section 158 of the Maharashtra Land Revenue Code, 1966, bar of civil suits got attracted. He submits that, in view of the provisions of Section 4 of the Maharashtra Revenue Jurisdiction Act, 1876, the civil courts are barred from exercising the jurisdiction in respect of claims relating to inclusion, omission and amendment of entries in revenue records. He submits that these provisions are not at all considered by the trial court while passing the impugned order. Therefore, the impugned order is unsustainable.

5. Despite service and granting sufficient opportunity, nobody appears on behalf of respondent Nos.6 to 12, who are contesting parties. Learned AGP for respondent Nos.1 to 5-State tried to support the impugned order. The arguments of the petitioner are, however, not controverted by the contesting respondents.

6. Having regard to the fact that the provisions of Section 158 of the Maharashtra Land Revenue Code, 1966 and Section 4 of

the Maharashtra Revenue Jurisdiction Act, 1876 are not at all considered by the trial court while passing the impugned order and considering the fact that the amended prayer clause is not properly considered, interest of justice demands that the matter needs to be considered afresh and it be remanded to the trial court for considering the application at Exhibit 57 afresh. Hence, following order is passed.

ORDER

- I) The order dated 09.06.2025, passed by Civil Judge Senior Division, Gadchiroli, in R.C.S. No.75 of 2023, on the application at Exhibit 57, is quashed and set-aside.
- II) The matter is remanded to the trial court for deciding the application at Exhibit 57 afresh, after giving an opportunity of hearing to all the parties concerned.
- III) The order passed on the application at Exhibit 63 is maintained.
- IV) The writ petition is disposed of.
- V) No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)