



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

WRIT PETITION NO. 6877 OF 2025

1. Keshav S/o. Narayan Chichghare,
Age : 72 Years, Occu. : Agriculturist,
R/o. Near Govind Mundhada Shop,
Main Bazar Road, Itwari Umred,
Tah. Umred, Dist. Nagpur.
2. Sunil S/o. Keshav Chichghare,
Age : 53 Years, Occu. : Agriculturist,
R/o. Near Govind Mundhada Shop,
Main Bazar Road, Itwari Umred,
Tah. Umred, Dist. Nagpur.

.... Petitioners

VERSUS

1. The Collector, Nagpur,
Having its Office at Civil Lines,
Nagpur, Tah. & Dist. Nagpur.
2. The Sub Divisional Officer,
Umred, Having its Office at
Umred, Tah. Umred, Dist. Nagpur.
3. Shantanu S/o. Madhusudan Pande,
Age : 51 Years, Occu. : Advocate,
R/o. 21, Buty Layout, Laxmi Nagar,
Nagpur.
4. Smt. Pushpa W/o. Madhusudan Pande,
Age : 74 Years, Occu. : Household,
R/o. 21, Buty Layout, Laxmi Nagar,
Nagpur.

5. Shri. Parag S/o. Madhusudan Pande,
Age : 54 Years, Occu. : Business,
R/o. 21, Buty Layout, Laxmi Nagar,
Nagpur.

6. Sau. Rucha W/o. Rajendra Pandit,
Age : 46 Years, Occu. : Household,
R/o. Madhuban Layout,
Manish Nagar, Nagpur.

.... Respondents

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Advocate for Petitioners : Mr. F.T. Mirza, Senior Advocate assisted by
Mr. T.S. Deshpande.
AGP for Respondent Nos.1 & 2-State : Ms. P.T. Joshi.
Advocate for Respondent Nos.3 to 6 : Mr. A.M. Ghare along with
Mr. O.A. Ghare.
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CORAM : PRAFULLA S. KHUBALKAR, J.

DATE ON WHICH ARGUMENTS WERE HEARD : 10th FEBRUARY 2026
DATE ON WHICH JUDGMENT IS PRONOUNCED : 02nd APRIL 2026

JUDGMENT :

1. Heard Mr. F.T. Mirza, learned Senior Advocate for the petitioners, Ms. P.T. Joshi, learned AGP for respondent Nos.1 and 2-State and Mr. A.M. Ghare, learned Advocate for respondent Nos.3 to 6.

2. **Rule.** Rule is made returnable forthwith and by consent of learned Advocates appearing for the parties, the petition is taken up for final disposal.

3. By the instant petition, the petitioners have challenged an order dated 26.09.2025, passed by respondent No.1 Collector, Nagpur, thereby granting permission to respondent No.2 Sub Divisional Officer, Tah. Umred, for reviewing its order dated 07.09.2019.

4. The controversy in the instant matter arises in the backdrop of following facts :

i) A company by name Anil Jindal Construction Company claimed ownership of land situated at Mouza Parsodi, P.H. No.45, Bhumapan No.44 and part of Bhumapan No.45. The petitioners also claimed to be co-owner of Bhumapan No.45.

ii) Respondent No.3 is the owner of land bearing Bhumapan Nos.46 and 50, which are adjoining to the aforesaid land.

iii) On 15.03.2012, Mr. Anil Agrawal, Managing Director of the said company filed an application before the District Superintendent of Land Records, for correction in the mutation entries. District Superintendent of Land Records recommended respondent No.2 Sub Divisional Officer to conduct the proceedings and accordingly, the proceedings started before the Sub Divisional Officer. However, on 19.09.2015, the proceedings were withdrawn by Mr. Anil Agrawal and accordingly, on 06.11.2015, the proceedings were closed.

iv) Respondent No.3 approached respondent No.1 Collector for recalling the order dated 06.11.2015 and on the basis of this application, the Collector passed an order dated 31.08.2016 and granted permission for review of order dated 06.11.2015, under Section 258 of the Maharashtra Land Revenue Code, 1966 (for short, “MLR Code”).

v) In view of this, the proceedings started before respondent No.2 Sub Divisional Officer for review of order dated 06.11.2015. Thereafter, the petitioners filed an application dated 06.06.2019, before the Sub Divisional Officer, seeking closure of proceedings by alleging that respondent No.3 had earlier expressed desire to close the proceedings prior to order dated 31.08.2016 and hence, the proceedings were required to be dropped. Respondent No.3 opposed this application by its reply dated 07.06.2019. By order dated 07.09.2019, the Sub Divisional Officer concluded that there was no need to reopen the closed proceedings.

vi) This order dated 07.09.2019 was subjected to challenge *vide* Writ Petition No.7118 of 2019, however, the writ petition came be disposed of vide order dated 05.02.2024, considering the fact that the proceedings were pending before the Collector as well as before the Sub Divisional Officer.

vii) In this background, respondent No.1 Collector passed an order dated 26.09.2025, thereby granting permission to the Sub Divisional Officer, for review of order dated 07.09.2019.

viii) This order dated 26.09.2025, is subjected to challenge by way of instant petition.

5. Mr. F.T. Mirza, learned Senior Advocate for the petitioners submitted that the impugned order allows review of an order passed by the Sub Divisional Officer, which was already passed in review and therefore, there cannot be a review of an order in review and considering the bar under Section 258 of the MLR Code, the impugned order is unsustainable. By inviting attention to the provisions of Sub Section 5 of Section 258 of the MLR Code, he submitted that the provision does not contemplate review of an order passed in review. He also submitted that the impugned order is unreasoned and is passed under political influence and thus, warrants indulgence by this Court.

6. In support of his submissions, learned Senior Advocate for the petitioners placed reliance on judgment of the Co-ordinate Bench of this Court in the case of *Rajiya Shaikh Abdul Hafiz and Others Vs. Shaikh Juned Shaikh Hamid and Others, Decided on*

19th March 2018, in Writ Petition No.2853 of 2018, and by pointing out the position of law, submitted that Section 258(5) of the MLR Code creates a bar on the reviewing authority in entertaining an application to reconsider an order passed in review. He submitted that once the reviewing authority has passed an order under Section 258(2) of the MLR Code, it can no longer hold jurisdiction over the said file and is not authorized to reopen the said file. Thus, in view of the embargo under Section 258(5) of the MLR Code, the impugned order passed in the instant petition is unsustainable.

7. Per contra, Mr. A.M. Ghare, learned Advocate for respondent Nos.3 to 6 and Ms. P.T. Joshi, learned AGP for respondent Nos.1 and 2 vehemently opposed the petition.

8. Advancing the submissions on behalf of respondent Nos.3 to 6, learned Advocate Mr. A.M. Ghare submitted that the order dated 07.09.2019, by which the proceedings were closed was not an order passed in review under Section 258(5) of the MLR Code and as such, there is no question of review of an order in review. He submitted that the order dated 26.09.2025, passed by respondent No.1 Collector, Nagpur, which is impugned herein, is an order which is passed after scrutiny of the entire controversy and having found necessity of review, the powers under Section 258 of the MLR Code

are rightly exercised. He submitted that the old records with the revenue authority revealed that Mr. Anil Agrawal, owned land bearing Bhumapan No.42, which was admeasuring 0.62 H.R., whereas respondent Nos.3 to 6 owned land bearing Bhumapan No.48, which was admeasuring 6.13 H.R. These lands were separated by South-West Nullah, which was reflected in the *Bandobast* map maintained by the Survey Officer in the year 1913-14. He submitted that after the Government Nullah changed its track at South-West corner, the land belonging to respondent Nos.3 to 6 was bifurcated. Thereafter, the land bearing Bhumapan No.42 was renumbered as Bhumapan No.45 and at that time, the area was wrongly shown as 2.68 H.R. instead of 0.62 H.R. So also, the land belonging to respondent Nos.3 to 6 was renumbered as Bhumapan Nos.46 and 50 and its cumulative area was wrongly shown as 5.66 H.R. instead of 6.13 H.R. He submitted that the position of Nullah was also wrongly shown in the revenue record as West-East direction instead of South-North direction. Hence, these wrong entries were required to be corrected.

9. Mr. A.M. Ghare, learned Advocate for respondent Nos.3 to 6 submitted that this error in the land records was noticed by the revenue officers in the year 2011 and after considering the position at site and after examining the old records, Deputy Superintendent of

Land Records, Umred submitted a detailed report dated 14.05.2015 to Superintendent of Land Records, Nagpur and recommended correction of land records. In this background, the proceedings were initiated before respondent No.2 Sub Divisional Officer, Umred, under Section 106 and 135 of the MLR Code. By order dated 19.09.2015, this proceedings were unilaterally closed behind back of respondent No.3, purportedly at the instance of Mr. Anil Agrawal and the petitioners. It is, therefore, submitted that without conducting any enquiry as required under Section 135 of the MLR Code, the proceedings were closed. Thereafter, respondent Nos.3 to 6 raised objections and requested for reconsideration of the order of closure and considering their request, the proceedings were reopened on 23.09.2016.

10. My attention was adverted to the documents on record and it was pointed out that even though the proceedings were reopened and started again without there being any decision on merits on the issue of correction of land records as recommended by Superintendent of Land Records, Nagpur, the proceedings were closed by respondent No.2 Sub Divisional Officer, Umred as 'filed' on 07.09.2019. This order was challenged *vide* Writ Petition No.7118 of 2019. During pendency of the said petition, the Sub Divisional Officer

again sought permission of the Collector under Section 258 of the MLR Code for review of order dated 07.09.2019 and in view of this, the writ petition came to be disposed of by keeping all the issues open. On this basis, learned Advocate for respondent Nos.3 to 6 submitted that, in view of this, the order dated 07.09.2019 cannot be considered as an order passed in review and therefore, the impugned order dated 26.09.2025, granting permission to review under Section 258 of the MLR Code needs no interference.

11. In the backdrop of these submissions, rival contentions fall for my consideration.

12. While considering the rival contentions, it has to be noted that the primary issue which falls for consideration is, whether the impugned order grants permission of review of an order passed in review. Pertinent to note, the order dated 07.09.2019 passed by respondent No.2 Sub Divisional Officer, Umred, was an order of closure of the proceedings. It has to be noted that Deputy Superintendent of Land Records, Umred has submitted a detailed report dated 14.05.2015 to Superintendent of Land Records, Nagpur, thereby recommended correction of revenue records. A perusal of this report reveals that after considering the old records and the factual position, Deputy Superintendent of Land Records, Umred has

recommended correction of the land records. Superintendent of Land Records, Nagpur approved the suggested corrections and forwarded it to respondent No.2 Sub Divisional Officer, Umred. The proceedings thus initiated before the Sub Divisional Officer on the basis of this report was required to be decided finally, however, the proceedings appears to have been closed without recording any conclusive findings. Although the provisions of Section 258 of the MLR Code creates an embargo in entertaining an application for review of an order passed in review, the controversy involved in the instant case is not with respect to review of an order passed in review. In the wake of an elaborate report by the Deputy Superintendent of Land Records, Umred, the controversy about correction of revenue record is required to be adjudicated finally.

13. A perusal of the order dated 26.09.2025, passed by respondent No.1 Collector, Nagpur, which is impugned herein, clearly shows that the Collector has scrutinized the relevant revenue record and found it necessary to review the order dated 07.09.2019 and accordingly, by exercising powers under Section 258 of the MLR Code, has granted permission of review. The contentions of the parties with respect to recording entries of their respective lands will be adjudicated in the proceedings before the revenue authorities. As such, at this stage, the order passed by the Collector granting

permission to review the order passed in earlier proceedings requires no interference. By considering the rival contentions referred above and particularly the report of Deputy Superintendent of Land Records, Umred, which endorsed need for correction in the revenue records, I find that the impugned order passed by the Collector does not suffer from any palpable illegality.

14. The position of law as laid down in the case of **Rajiya Shaikh (Supra)** with respect to the powers under Section 258(5) of the MLR Code, is not disputed. However, in view of the fact that the order dated 07.09.2019 was not an order passed in review, the said judgment is of no assistance to the petitioners.

15. Pertinent to note, by the impugned order, respondent No.1 Collector, Nagpur, has also directed that after reopening the proceedings, due notice and opportunity of hearing be given to all the parties concerned and appropriate orders be passed by considering the position of law. Thus, the parties are entitled to raise their respective contentions and this order cannot be said to have caused any prejudice to the rights of the petitioners.

16. In view of the factual and legal aspects mentioned above, I am of the considered opinion that the impugned order dated 26.09.2025, passed by respondent No.1 Collector, Nagpur, granting

permission to respondent No.2 Sub Divisional Officer, Umred, for review of order dated 07.09.2019, needs no interference. The petitioners have failed to demonstrate any illegality in the impugned order warranting indulgence under Article 227 of the Constitution of India. The writ petition is, therefore, dismissed with no order as to costs. Rule stands discharged.

[PRAFULLA S. KHUBALKAR]
JUDGE

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