(2026) 08 BOM CK 4995

In the Bombay High Court, Nagpur Bench

Case No : WRIT PETITION NO.2953/2012

Khatijabi w/o. Ahemad Rajotwala APPELLANT

Vs

Abdul Rauf & Ors. RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:
Maharashtra Land Revenue Code — Section 257, 150

Citation : (2026) 08 BOM CK 4995

Hon'ble Judges : Pravin S. Patil, J

Bench : Single Bench

Advocate : Shri S.A. Mohta, Shri J.B. Gandhi, Shri A.M. Ghogre

Final Decision : Allowed

Judgement

1. Heard.

2. This petition is the second round of litigation between the parties. In earlier round of litigation, the order of the Divisional Commissioner, Amravati, dated 19.11.2010 was challenged on the ground that, learned Additional Commissioner cannot exercise powers of appeal, when earlier to same, the aggrieved party has challenged the order of Revenue Officer by preferring two appeals i.e. before the Sub Divisional Officer and the Collector. The remedy in such case is to file Revision as per the provisions of the Maharashtra Land Revenue Code.

3. This Court, by considering the provisions of the Maharashtra Land Revenue Code, held that after two appeals, under Section 257 of the Maharashtra Land Revenue Code, the revision is to be preferred and not appeal. Therefore, the order passed by the Divisional Commissioner dated 19.11.2010 was set aside, and the respondent therein i.e. Abdul Rauf S/o Abdul Sattar and others were permitted to prefer the appropriate proceeding in the nature of revision.

4. It is also clear from the record that in pursuance of the order of this Court, the respondent has preferred the Revision before the Additional Commissioner, Amravati. The Additional Commissioner, Amravati, decided the same on merits

and by his impugned order dated 07.04.2010, allowed the Revision by passing following order:

> **" ORDER**
>
> *Revision Petition is allowed. Order passed by the Additional Collector, Akola in Revenue Appeal No. RTS/59/Nimbi/21/2008-09 decided on 22.9.09 is set aside. Mutation No. 161 dt. 25.6.1998 in respect of Gut No. 92 area 6.98Hectors of Mauje Nimbi Tq. Balapur District is maintained. It is made clear that, the decision of the Civil Court will be binding on both the parties and the parties shall be at liberty to submit application to correct revenue record accordingly."*

5. The order of the Additional Commissioner dated 07.04.2012 is now under challenge in the present Writ Petition. The contention of the petitioner is that the Commissioner has committed an error by holding that the order passed by the Collector is incorrect and the mutation entry in respect of the suit field vide Mutation No. 161 dated 25.06.1998 in respect of Gat No. 92 area 6.98 H.R be maintained.

6. According to the petitioner, the civil proceedings are pending between the parties before Competent Court of Law. Considering the provisions of the Maharashtra Land Revenue Code, if there is a dispute between the parties in respect of the land, then as per the provision of the Maharashtra Land Revenue Code, the Revenue Officer has to record the entry as disputed case. Therefore, instead of directing the parties that subject to the decision of the Civil Court the entries would be corrected, the civil proceeding going on between the parties can be recorded in terms of Section 150 of the Maharashtra Land Revenue Code.

7. The Counsel for the respondent appearing in the matter does not dispute the factual aspect in the matter. According to him, there are three suits pending before the Civil Court: Special Civil Suit No. 1 of 2011, Special Civil Suit No. 2 of 2011 and Special Civil Suit No. 3 of 2011. These suits between the parties were initially before the Civil Court, Akola, and same have been now transferred to the Civil Judge Senior Division, Balapur. All the suits till date are pending before respective Competent Court of law.

8. It is not disputed in the petition that the issue involved in the Civil Suit is in respect of the same property of which the mutation entry is recorded by the Revenue Officer dated 25.06.1998. In view of this, the order of the Additional Commissioner needs modification to the extent that the Revenue Officer shall enter the disputed cases which are pending between the parties in terms of Section 150 of the Maharashtra Land Revenue Code and the entries will be corrected subject to the final decision of the Civil Court. Accordingly, following order is passed.

ORDER

i) The Writ Petition is allowed. ii) The impugned order passed by the Additional Commissioner, Amravati dated 07.04.2012 is quashed and set aside.

iii) Both the parties are at liberty to move appropriate application under Section 150 of the Maharashtra Land Revenue Code before Revenue Officer to register the pending dispute in the Register maintained by him.

iv) Revenue Officer shall accordingly take entry in revenue record and communicate the concerns in accordance with law.

9. Writ Petition is disposed of in the above terms. No order as to costs.

