

243. A revenue or survey officer may give and apportion costs incurred in any case or proceeding arising under this Code or any other law for the time being in force in such manner and to such extent as he thinks fit :

Power to give and apportion costs.

Provided that, the fees of a legal practitioner shall not be allowed as costs in any such case or proceedings, unless such officer considers otherwise for reasons to be recorded by him in writing.

244. Save as otherwise provided in any other enactment for the time being in force, all appearances before, applications to and acts to be done before, any revenue or survey officer under this Code or any other law for the time being in force may be made or done by the parties themselves or by their recognised agents or by any legal practitioner :

Persons by whom appearances and applications may be made before and to revenue or survey officer.

Provided that, subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908, any such appearance shall, if the revenue or survey officer so directs, be made by the party in person.

¹**[245.** Nothing contained in this Chapter shall apply to any proceeding before the Maharashtra Revenue Tribunal under Chapter XV.]

Saving.

CHAPTER XIII

APPEALS, REVISION AND REVIEW.

²**[246.** The provisions of this Chapter shall not apply to proceedings before the Maharashtra Revenue Tribunal under Chapter XV.]

Application of this Chapter.

247. (1) In the absence of any express provisions of the Code, or of any law for the time being in force to the contrary, an appeal shall lie from any decision or order passed by a revenue or survey officer specified in column 1 of the Schedule E under this Code or any other law for the time being in force to the officer specified in column 2 of that Schedule whether or not such decision or order may itself have been passed on appeal from the decision or order of the officer specified in column 1 of the said Schedule :

Appeal and appellate authorities.

Provided that, in no case the number of appeals shall exceed two.

(2) When on account of promotion or change of designation an appeal against any decision or order lies under this section to the same officer who has passed the decision or order appealed against, the appeal shall lie to such other officer competent to decide the appeal to whom it may be transferred under the provisions of this Code.

248. An appeal shall lie to the State Government from any decision or order passed by a Commissioner or by a Settlement Commissioner or by a Director of Land Record, or by a Deputy Director of Land Records invested with power of Director of Land Record ³* * * except in the case of any decision or order passed by such officer on appeal from a decision or order itself recorded in appeal by any officer subordinate to him.

Appeal when to lie to State Government.

¹ Section 245 was inserted by Mah. 23 of 2007, s. 4.

² Section 246 was inserted, *ibid*, s. 5.

³ The words "or by the Collector of Bombay or by an Assistant or Deputy Collector subordinate to him invested with the appellate power of the Collector " were deleted by Mah. 47 of 1981, s. 8.

Appeal
against
review or
revision.

249. (1) An order passed in review varying or reversing any order shall be appealable in the like manner as an original decision or order.

(2) An order passed in revision varying or reversing any order shall be appealable as if it were an order passed by the revisional authority in appeal.

Periods
within which
appeals must
be brought.

250. No appeal shall be brought after the expiration of sixty days if the decision or order complained of have been passed by an officer inferior in rank to a Collector or a Superintendent of Land Records in their respective departments ; nor after the expiration of ninety days in any other case. The period of sixty and ninety days shall be counted from the date on which the decision or order is received by the appellant.

In computing the above periods, the time required to obtain a copy of the decision or order appealed against shall be excluded.

Admission of
appeal after
period of
limitation.

251. Any appeal or an application for review under this Chapter may be admitted after the period of limitation perscribed therefor when the appellant or the applicant, as the case may be, satisfies the officer or the State Government to whom or to which he appeals or applies, that he had sufficient cause for not presenting the appeal or application, as the case may be, within such period.

Appeal shall
not be
against
certain
orders.

252. No appeal shall lie from an order—

(a) admitting an appeal or an application for review under section 251 ;

(b) rejecting an application for revision or review ; or

(c) granting or rejecting an application for stay.

Provision
where last
day for
appeal falls
on Sunday
or holiday.

253. Whenever the last day of any period provided in this Chapter for presentation of an appeal or an application for review falls on a Sunday or other holiday recognised by the State Government the day next following the close of the holiday shall be deemed to be such last day.

Copy of
order to
accompany
petition of
appeal.

254. Every petition for appeal, review or revision shall be accompanied by a certified copy of the order to which objection is made unless the production of such copy is dispensed with.

Power of
appellate
authority.

255. (1) The appellate authority may either admit the appeal or, after calling for the record and giving the appellant an opportunity to be heard, may summarily reject it :

Provided that, the appellate authority shall not be bound to call for the record where the appeal is time barred or does not lie.

(2) If the appeal is admitted, a date shall be fixed for hearing and notice thereof shall be served on the respondent.

(3) After hearing the parties, if they appear, the appellate authority may, for reasons to be recorded in writing, either anual, confirm, modify, or reverse the order appealed against, or may direct such further invenstigation to be made, or such additional evidence to be taken as it may think necessary ; or may itself take such additional evidence ; or may remand the case for disposal with such directions as it thinks fit.

256. (1) A revenue or survey officer who has passed any order or his successor in office may, at any time before the expiry of the period prescribed for appeal, direct the execution of such order to be stayed for such time as he thinks fit, provided no appeal has been filed. Stay of execution of orders.

(2) The appellate authority may, at any time, direct the execution of the order appealed from, to be stayed for such time as it may think fit.

(3) The authority exercising the powers of revision or review may direct the execution of the order under revision or review, as the case may be, to be stayed for such time as it may think fit.

(4) The appellate authority or the authority exercising the powers of revision or review may set aside or modify any direction made under sub-section (1).

(5) The revenue or survey officer or the authority directing the execution of an order to be stayed may impose such conditions or order such security to be furnished as he or it thinks fit.

(6) No order directing the stay of execution of any order shall be passed, except in accordance with the provisions of this section.

257. (1) The State Government and any revenue or survey officer, not inferior in rank to an Assistant or Deputy Collector or a Superintendent of Land Records, in their respective departments, may call for and examine the record of any inquiry or the proceedings of any subordinate revenue or survey officer, for the purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer. Power of State Government and of certain revenue and survey officers to call for and examine records and proceedings of subordinate officers.

(2) A Tahsildar, a Naib-Tahsildar, and a District Inspector of Land Records may in the same manner call for and examine the proceedings of any officer subordinate to them in any matter in which neither a formal nor a summary inquiry has been held.

(3) If in any case, it shall appear to the State Government, or to any officer referred to in sub-section (1) or sub-section (2) that any decision or order or proceedings so called for should be modified, annulled or reversed, it or he may pass such order thereon as it or he deems fit :

Provided that, the State Government or such officer shall not vary or reverse any order affecting any question of right between private persons without having given to the parties interested notice to appear and to be heard in support of such order :

Provided further that, an Assistant or Deputy Collector shall not himself pass such order in any matter in which a formal inquiry has been held, but shall submit the record with his opinion to the Collector, who shall pass such order thereon as he may deem fit.

258. (1) The State Government and every revenue or survey officer may, 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 predecessors in office and pass such orders in reference thereto as it or he thinks fit : Review of orders.

Provided that,—

(i) 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, and if an officer subordinate to a Collector or Settlement Officer proposes to review any order on the ground other than that of clerical mistake, whether such order is passed by himself or his predecessor, he shall first obtain the sanction of the authority to whom he is immediately subordinate ;

(ii) no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order ;

(iii) no order from which an appeal has been made, or which is the subject of any revision proceedings shall, so long as such appeal or proceedings are pending be reviewed.

(iv) 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 of review of such order shall be entertained unless it is made within ninety days from the passing of the order.

(2) No order shall be reviewed except on the following grounds, namely :—

(i) discovery of new and important matter or evidence ;

(ii) some mistake or error apparent on the face of the record ;

(iii) any other sufficient reason.

(3) For the purposes of this section the Collector shall be deemed to be the successor in office of any revenue or survey officer who has left the district or who has ceased to exercise powers as a revenue or survey officer and to whom there is no successor in the district.

(4) An order which has been dealt with in appeal or on revision shall not be reviewed by any revenue or survey officer subordinate to the appellate or revisional authority.

(5) Orders passed in review shall on no account be reviewed.

Rules as to
decisions or
orders
expressly
made final.

259. Whenever in this Code it is provided that a decision or order shall be final or conclusive, such provision shall mean that no appeal lies from any such decision or order ; but it shall be lawful to the State Government alone to modify, annul or reverse any such decision or order under the provisions of section 257.

CHAPTER XIV.

SPECIAL PROVISIONS FOR LAND REVENUE IN THE CITY OF BOMBAY.

Extent of this
Chapter.

260. The provisions of this Chapter extend to the City of Bombay only.

Interpreta-
tion.

261. In this Chapter, unless the context requires otherwise,—

¹[(1a) “City Tenures Abolition Act” means the Bombay City (Inami and Special Tenures) Abolition and Maharashtra Land Revenue Code (Amendment) Act, 1969;]

Mah.
XLVI
of
1969.

¹ Clauses (1a) and (aa) were inserted and clause (e) was added by Mah. 44 of 1969, s. 20. Second Sch.