



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 6104 OF 2024
WITH
CIVIL APPLICATION NO. 9948 OF 2026
IN WP/6104/2024

1. Ashok Bhagwan Jahagirdar
Age: 60 years, Occu: Priest
R/o Domgaon, Tq. Paranda,
District: Osmanabad
At Present R/o: Telephone Nagar,
Behind Datta Vidya Mandir School,
Upalai Road, Barshi, Tq. Barshi,
District: Solapur.
2. Smt. Laxmibai wd/o Bhagwan Jahagirdar
Age: 84 years, Occu. Household,
R/o: Same as above.
3. Mrs. Anuradha w/o Balkrishna Kulkarni
Age: 57 years, Occu. Household,
R/o Vivekanant Nagar, Pandharpur-
Satara Road, Vakhari, Tq. Pandharpur,
District: Solapur.
4. Mrs. Usha w/o Ashok Thombare
Age: 55 years, Occu. Household,
R/o Behind Taluka Police Station,
Besides Dr. Benare Hospital,
Pandharpur, Tq. Pandharpur,
District: Solapur.

...Petitioners

VERSUS

1. The Divisional Commissioner,
Ch. Sambhajinagar.
Fazalpura, Near Delhi Gate,
Tq. & Dist. Ch. Sambhajinagar.

2. The Sub Divisional Officer (Atiyat)
Bhoom, Tq. Bhoom,
Dist. Dharashiv.
3. State of Maharashtra
Through District Collector,
District: Dharashiv.

...Respondents

Mr. S. V. Natu, Advocate for the Petitioners
Mr. R. K. Ingole, AGP for Respondent Nos.1 to 3 – State

...

CORAM : AJIT B. KADETHANKAR, J.
DATE : 02.09.2026

ORAL JUDGMENT :-

. Rule. Rule made returnable forthwith. The writ petition could be conveniently disposed of at the admission stage considering the short issue placed before me.

2. Facts in brief :

a. It is not in dispute that petitioner No.1's father namely Bhagwan Jahagirdar, was Inamdar of Kalyan Swami Math at Mauje Domgaon, Tq. Paranda, Dist. Dharashiv. Bhagwan Jahagirdar expired in 1962. Petitioner No.1 was a minor at the relevant time. His mother was illiterate and hence they could not get Virasat sanctioned in their names from the competent

authority.

b. Suffice to note, their names were immediately mutated in the revenue record pertaining to the Inam property in the capacity of legal representatives of deceased Inamdar namely Bhagwan Jahagirdar. Almost 42 years later, the petitioners filed a proceeding before the Divisional Commissioner for grant of Virasat. An application for condonation of delay, explaining the genuine reasons for filing the proceeding at a belated stage, was also filed. The said application came to be rejected by the impugned order dated 26.07.2006. Hence, this petition is filed by the petitioners.

3. Submissions :

Per S. V. Natu, learned Advocate for the Petitioners

a. That, despite there having been substantial reasons given for condonation of delay, the Divisional Commissioner was under an obligation to render a reasoned order on the delay condonation application.

b. Suffice to note, he submits that the impugned order dated 26.07.2006 was immediately taken in further proceedings wrongly before the Hon'ble Minister for Revenue and Forest Department on wrong legal advice. The appeal before the Hon'ble Minister was rejected for want of jurisdiction. A

review application was filed which was also turned down. As against that Writ Petition No.792 of 2016 was filed before this Court. The said Writ Petition came to be dismissed by this Court on 18.10.2023.

c. Mr. Natu, learned Advocate on a query as to whether the said order would hit the present proceeding, submits that the said writ petition was only to the extent of the order passed in the review application. He submits that this Court has observed that the main order was not under challenge before this Court. In view of this, Mr. Natu submits that the writ petition be allowed and the matter be relegated back to the Divisional Commissioner with directions to pass an appropriate order.

Per Mr. R. K. Ingole Patil, learned Assistant Government Pleader

a. Mr. R. K. Ingole Patil, learned Assistant Government Pleader for the respondent authorities would stand by the order dated 26.07.2006. He would submit that proceeding are apparently filed after 42 years. His further contention is that the petitioners cannot take benefit of their own wrong for prosecuting the proceedings before a wrong forum and hence the writ petition be dismissed.

4. Considerations :

- a. I heard both the sides extensively.
- b. It is an undisputed fact that petitioner No.1's father namely Bhagwan Jahagirdar was the Inamdar of the said property. He died in 1962 when petitioner No.1 was quite a minor i.e. seven years old. It cannot be overlooked that the names of petitioner No.1, his mother and siblings were recorded in the mutation record of the Inam property within time. It is only when the issue of disbursement of compensation against the acquired land out of the Inam property arose, the petitioners got aware of the requirement to obtain succession i.e. Virasat from the competent authority as regards the Inam and hence the proceedings were initiated.
- c. It is fairly submitted that the proceedings before the Hon'ble Revenue Minister were based on wrong advice and hence after pursuing the proceedings, the present Petition has been filed. Pertinent to note that although there was Writ Petition No.792 of 2016, the said Writ Petition did not touch the merits of the order dated 26.07.2006.
- d. Now, coming to the impugned order, it is apparent that the order is a single-line order observing that there is no substantial reason for condonation of delay. The authority, when it is under an obligation to deal with a statutory

appeal or application therein, is expected to pass a reasoned order, right or wrong as the case may be, and should decide the matter accordingly.

e. While the application filed by petitioner No.1 at page No.38 of the compilation shows that there are substantial reasons rendered by the petitioners, the same ought to have been considered by the Divisional Commissioner. It is pertinent to note that, so far as the other heirs of the petitioner's family i.e. real cousins are concerned, they got the Virasat sanctioned from the competent authority.

f. In view of this, when almost all the facts are admitted, what remains to be decided is as to whether the contents of the application for Virasat are true or not. For that, the competent authority may proceed with the application on its merits. However, so far as the application for condonation of delay is concerned, I find that the impugned order is deficient even to reject the application with cogent reasons.

g. In view of this, I deem it appropriate to allow the writ petition remitting the matter back to the Divisional Commissioner for passing reasoned order on delay condonation application. Needless to mention the Divisional Commissioner is expected to take into consideration all the aspects of the matter while considering the application for condonation of delay.

5. In view of this, I pass following order :

ORDER

- I. The Writ Petition is partly allowed.
- II. The matter is relegated back to the Divisional Commissioner, Chhatrapati Sambhajnagar for fresh consideration in view of the above observation.
- III. The petitioners shall appear before the Divisional Commissioner on 21.09.2026. The Divisional Commissioner shall pass appropriate order on the delay condonation application within two months thereafter.
- IV. If the petitioners succeed in convincing the Divisional Commissioner on the point of delay, the Divisional Commissioner shall pass further orders on the application/proceeding within three months thereafter.
- V. The Writ Petition stands disposed of accordingly.
- VI. Papers be remitted to the office of the Divisional Commissioner, if necessary.
- VII. Pending Civil Applications, if any, stand disposed of.
- VIII. Rule is made absolute in above terms.

[AJIT B. KADETHANKAR, J.]