



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

909 WRIT PETITION NO. 13871 OF 2019

Bhikubai Kondiba Gadhwe (Gaikwad)
Since deceased Through her Legal Heirs

1. Sukhdeo s/o Kondiba Gadhwe (Gaikwad),
2. sambhaji s/o Kondiba Gadhwe (Gaikwad),
3. Tanhaji s/o Kondiba Gadhwe (Gaikwad),
4. Surekha w/o Gangadhar Dive,
5. Smt. Suman w/o Bhaskar Kate

...Petitioners

VERSUS

1. The Hon'ble Minister (Revenue,
Maharashtra State, Mantralaya, Mumbai.
2. The State of Maharashtra, Through
Secretary Revenue Dept. Mantralaya,
3. The Deputy Director of Land Record, Nashik,
4. The District Superintendent of Land Record,
Ahmednagar,
5. The Deputy Superintendent of Land Record,
Parner,
6. Ramdas s/o Bala Chavan,
7. Ramesh s/o Ramdas Chavan,
8. Dwarkabai Laxman Thorat,
9. Harubai Baban Gat,
10. Gajrabai @ Laxmibai Bhau Chavan,
11. Dada s/o Aba Gadhve (Died Through L.Rs.)
11A. Surekha wd/o Dada Saheb Gadve,
11B. Navnath s/o Dada Saheb Gadve,
11C. Jayshree w/o Sandip Dhamne,
11D. Suvarna w/o Sunil Narsing,
11E. Swati w/o Changdeo Bhor,
11F. Jyoti w/o Ramchandra Gunjal.
12. Gorakh s/o Aba Gadhve,
13. Machindra s/o Aba Gadhve,
14. Padmabai w/o Subhash Gavli.

...Respondents

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Advocate for the Petitioner : Mr. Mahesh Ghatge h/f Mr. Taur Mahesh S.
AGP for Respondents No.1 to 5 - State: Mr. S. G. Joshi
Advocate for Respondent No.7 : Mr. Jadhavar Santosh Sampatrao
Advocate for Respondents No.6 to 10 : Mr. D. B. Shinde

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CORAM : ROHIT W. JOSHI, J.

Dated : October 08, 2026

ORAL JUDGMENT :

1. Rule. Rule is made returnable forthwith. With the consent of the learned Advocates for the parties, the matter is taken up for final disposal.
2. The petitioners take exception to the order dated 04.09.2019 passed by the Hon'ble Minister Revenue in Consolidation Case Rev. No.3319/1935/pk.36/j-6 (Ramdas Bala Chavan Vs. State of Maharashtra and Others).
3. At the outset, it is necessary to clarify that though the impugned order, refers to the revisional jurisdiction under Section 257 of the Maharashtra Land Revenue Code, 1966, the revision was, in fact, required to be considered under Section 35 of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (for short, "the said Act").
4. The ancestors of the petitioners and the contesting respondents had jointly purchased lands bearing Survey Nos. 113, 114, 115 and 116, situated at Village Rajangoon Masjit, Tahsil Parner, District Ahmednagar, having total area of around 87 acres.
5. It is not in dispute that the predecessors of the petitioners and

the predecessors of the contesting respondents had equal shares in the aforesaid lands, each share admeasuring 43 acres and 20 gunthas in the said land purchased in the year 1935. It is also not in dispute that the predecessor of the contesting respondents, namely, Bala Chavan, sold land admeasuring 30 acres and 39 gunthas out of Survey Nos. 114, 115 and 116 to late Abasaheb Namdeo Gadve, predecessor of the petitioners, by a registered sale deed dated 12.11.1965. After the sale deed dated 12.11.1965, 12 acres and 30 gunthas of land remained with the contesting respondents. In the year 1974, the consolidation scheme was implemented in Village Rajangaon Masjid, whereby the aforesaid Survey Nos. 113, 114, 115 and 116 were converted into Gut Nos. 346, 347, 349 and 351, respectively.

6. After implementation of the consolidation scheme, respondent No.6 filed an application seeking correction of the area of land bearing Gut No.350 and prayed for recording land admeasuring 7 acres and 20 gunthas in his name. Pursuant to the said application, the District Superintendent of Land Records called for a report from the Deputy Superintendent of Land Records. The report came to be submitted on 28.08.2013. According to the said report, area admeasuring 43 acres and 20 gunthas had fallen to the share of the predecessors of respondent Nos. 6 and 7. It is stated that out of that 43 acres and 20 gunthas, land admeasuring 30 acres and 39 gunthas

was sold by the predecessor of respondent Nos. 6 and 7 to the predecessor of the petitioners. The report of the Deputy Superintendent of Land Records makes a reference to a subsequent sale deed executed by respondent No.6 on 19.05.1985. There is also a reference to Mutation Entry Nos.1117, 1118 and 1588 in the said report. The said mutation entries pertain to sale of 1.84 HR (1 acre 40 gunthas) of land by respondent No. 6 from land bearing Gut No.349, sale deed of 1 H (2 acres 38.84 gunthas) of land from the said Gut No.349 and sale deed of 1 H (2 acres 38.84 gunthas) of land from Gut No.351, respectively. The report further records that respondent No.6, the original applicant, had admitted before the Deputy Superintendent of Land Records that, after execution of the aforesaid sale deeds, he was not in possession of any portion of the aforesaid lands. The report also records that the relevant revenue entries in the names of respondent Nos. 6 and 7 or their predecessors were not found in the revenue records and that they were not in possession of the same.

7. The application was initially rejected by the District Superintendent of Land Records by order dated 17.09.2014. The application was rejected merely on the ground of delay, without dealing with the merits of the contentions raised by respondent No.6.

8. Aggrieved by the said order, respondent No. 6 preferred an

appeal before the Deputy Director of Land Records, being Appeal No.Consolidation/SR-374/2014/Ahmednagar. The said appeal came to be partly allowed by order dated 21.09.2015, whereby the District Superintendent of Land Records was directed to decide the application on its merits.

9. The District Superintendent of Land Records rejected the application by order dated 30.07.2016. The appeal preferred against the said order, being Consolidation Appeal No. SR-654/2016/Ahmednagar, came to be dismissed by the Deputy Director of Land Records by order dated 27.12.2018. These orders passed by the District Superintendent of Land Records and the Deputy Director of Land Records were assailed before the Hon'ble Minister Revenue in the revision, which came to be allowed vide impugned order dated 04.09.2019.

10. It is not in dispute that the predecessors of the petitioners and respondent Nos. 6 and 7 had received 43 acres and 20 gunthas of land each from the total 87 acres of land purchased by them. The sale of land admeasuring 30 acres and 39 gunthas, as aforesaid, is also not disputed. The report submitted by the Deputy Superintendent of Land Records further indicates sale of 4 acres and 55 gunthas of land on 19.05.1985 (Mutation Entry No. 1117), sale of land admeasuring 2 acres and 48 gunthas on 19.05.1985 (Mutation

Entry No. 1118), and a further sale of 2 acres and 48 gunthas of land in the year 1990 (Mutation Entry No. 1588). It is contended by the learned Advocate for the petitioners that apart from this, another sale deed with respect to 3 acres and 1 guntha of land was executed in the year 2006 (Mutation Entry No. 3041).

11. Perusal of the orders passed by the District Superintendent of Land Records and the Deputy Director of Land Records will indicate that the application is rejected treating the total area of respondents No. 6 and 7 as 43 acres and 20 gunthas. The foundation of the order passed by the Hon'ble Minister is that respondent Nos. 6 and 7 were entitled to land admeasuring 52 acres and 13 gunthas. In the application filed by respondent No. 6 as well, he claims land to the extent of 52 acres and 13 gunthas.

12. As recorded above, admittedly, the predecessors of the petitioners and respondent Nos. 6 and 7 had jointly purchased 87 acres of land and had partitioned the same in equal half, each getting 43 acres and 20 gunthas. In these circumstances, the claim for land admeasuring 52 acres and 13 gunthas is completely untenable. 43 acres 20 gunthas land fallen to the shares of predecessors of respondents No.6 and 7 is already sold by them as will be apparent from the report prepared by the Deputy Superintendent of Land Records and Mutation Entry No.3041.

13. The Hon'ble Minister has not considered the report furnished by the Deputy Superintendent of Land Records at all. The finding of entitlement of respondents No. 6 and 7 to 52 acres and 13 gunthas of land is completely perverse in the sense that it is not based on any material on record. It must also be stated that the Hon'ble Minister was exercising revisional jurisdiction. The scope of such jurisdiction is to examine the legality or propriety of the orders passed by the subordinate authorities. The impugned order does not record any reasons as to why the concurrent findings recorded by the District Superintendent of Land Records and the Deputy Director of Land Records warranted interference. The reasons recorded by the subordinate authorities have not been dealt with by the Hon'ble Minister. The Hon'ble Minister has not only erred in appreciating the material on record but has also exceeded the limits of revisional jurisdiction by interfering with the orders passed by the subordinate authorities without demonstrating how the said orders were illegal or improper.

14. Apart from the merits of the matter, this Court is of the view that there is no plausible explanation for approaching the authorities for correction of area after an inordinate delay of approximately 39 years. Having regard to the nature of the claim and the absence of a satisfactory explanation for such delay, the application ought to have been rejected on that ground as well.

15. It is also significant that respondent No.6 did not disclose before the authorities the execution of the registered sale deeds in respect of the lands in question. This circumstance assumes relevance while considering the claim made by respondent No. 6 and the correctness of the order passed by the Hon'ble Minister.

16. In view of the aforesaid discussion, this Court is of the considered view that the impugned order passed by the Hon'ble Minister cannot be sustained. The petition, therefore, deserves to be allowed and is allowed accordingly in the following terms : -

(i) Order dated 04.09.2019 passed by the Hon'ble Minister in Consolidation Case Rev. No.3319/1935/pk.36/j-6 (Ramdas Bala Chavan Vs. State of Maharashtra and Others), is quashed and set aside.

(ii) Orders dated 30.07.2016 passed by the District Superintendent of Land Records in Appeal Application No.601/2015 and 27.12.2018 passed by the Deputy Director of Land Records in Appeal SR No/654/2016/Ahmednagar, are restored and confirmed.

17. Rule is made absolute in the aforesaid terms.

(ROHIT W. JOSHI, J.)

vj gawade/-.