

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 9463 OF 2016

1. Rambhau Ganpat Satpute,
Age 70 years, Occu. Agriculture,
2. Vitthal Ganpat Satpute,
Age 65 years, Occu. Agriculture,
3. Balasaheb Chimanrao Satpute,
Age 52 years, Occu. Agriculture &
Service,
4. Sampat Chimanrao Satpute,
Age 49 years, Occu. Agriculture &
Service,

All R/o. At Post - Chincholi,
Taluka - Parner, District
Ahmednagar.

...Petitioners.

Versus

1. The State of Maharashtra
Through Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai - 32.
2. The Deputy Director of Land
Record, Nashik Division, Nashik.
3. The District Superintendent of
Land Record, Ahmednagar,
District-Ahmednagar.
4. Sukhdeo Dadu Zanjad,
Age Major, Occu. Agriculture,
5. Rambhau Dadu Zanjad,
Age Major, Occu. Agriculture,

6. Balu Dadu Zanjad,
Age Major, Occu. Agriculture,
7. Kundlik Keshav Zanjad,
Age Major, Occu. Agriculture,
8. Vishwanath Keshav Zanjad,
Age Major, Occu. Agriculture,
9. Maruti Keshav Zanjad,
Age Major, Occu. Agriculture,
10. Bansi Anantha Zanjad,
Age Major, Occu. Agriculture,
11. Haribhau Anantha Zanjad,
Age Major, Occu. Agriculture,
12. Laxman Anantha Zanjad,
Age Major, Occu. Agriculture,
13. Dilip Anantha Zanjad,
Age Major, Occu. Agriculture,
14. Kisan Kondaji Zanjad,
Age Major, Occu. Agriculture,
15. Pramod Ramchandra Gade,
Age Major, Occu. Agriculture,
16. Babaji Maruti Karkande,
Age Major, Occu. Agriculture,

All R/o. Chincholi, At Post
Chincholi, Taluka - Parner,
District Ahmednagar.

...Respondents.

Mr.A.K. Gawali, Advocate for petitioners.

Mr.A.S. Shinde, A.G.P. for respondent Nos. 1 to 3.

CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATED : February 13, 2017.

ORAL JUDGMENT :

Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2) The petition is filed to challenge the communication dated 16.6.2016 made by the Deputy Director of Land Records, Nashik with the present petitioners. It appears that it is informed to the present petitioners that the proceeding which was filed as Appeal No. 533/2016 was sent to the Superintendent of Land Records for taking decision and it was informed to the petitioners that in due course, the decision of the said matter will be informed to the petitioners.

3) The learned counsel for petitioners has grievance that in view of the provision of section 32 of the Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (hereinafter

referred to as 'the Act' for short), the matter ought to have been decided by the Deputy Director of Land Records and it cannot be decided by the Superintendent of Land Records. He submitted that error is committed in implementation of consolidation scheme and it needs to be corrected by using power given under section 32 of the Act.

4) It appears that some civil dispute is also pending. This Court is avoiding to touch the merits of the matter. In view of the provisions of section 32 of the Act, this Court holds that the appeal filed by the present petitioners before the Deputy Director of Land Records, Nashik needs to be decided by him.

5) In the result, the communication/order made by the Deputy Director of Land Records, Nashik dated 16.6.2016, remitting the matter back to the Superintendent of Land Records is hereby set aside. The matter is to be decided on its own

merits by the Deputy Director of Land Records, Nashik within six months from the date of this order. In appeal notices are to be issued to all the concerned parties by the Deputy Director of Land Records.

Rule is made absolute in aforesaid terms.

[SANGITRAO S. PATIL, J.] [T.V. NALWADE, J.]

ssc/