

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.10141 OF 2015

01 Shankar s/o Pandharinath Khedkar,
age: 70 years, Occ: Agril.,
R/o Rawalsangvi, At Post Bramhanath,
Yelamb, Tq. Shirur Kasar,
District Beed.

02 Karbhari s/o Pandharinath Khedkar,
age: 65 years, Occ: Agril.,
R/o as above.

03 Dinkar s/o Pandharinath Khedkar,
age: 63 years, Occ: Agril.,
R/o as above.

04 Pandurang s/o Pandharinath
Khedkar, age: 48 years, Occ: Agri.,
R/o as above.

Petitioners

Versus

01 Keru s/o Rama Khedkar,
died, through L.R:

1/A Ramesh s/o Rama Khedkar,
age: 50 years, Occ: Agril.,
R/o Ralesangi, At Post:
Barmhanath, Yelamb,
Tq. Shirur Kasar,
District Beed.

02 The Deputy Director of Land
Records, Aurangabad.

03 The Superintendent of Land
Records, Beed, Tq. & Dist. Beed.

04 The Taluka Inspector of Land
Records, Shirur Kasar,
Tq. Shirur Kasar, Dist. Beed.

Respondents

Mr.G.K.Naik Thigle, advocate for the petitioners
Mr.S.G.Jadhavar, advocate for Respondent No.1A.
Ms.R.P.Gour, A.G.P. for Respondents No.2 to 4.

CORAM : S.B.SHUKRE, J.

DATE : 30th January, 2017

ORAL JUDGMENT :

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 It is seen from the order dated 16.07.2015, that while directing legal heirs of deceased Keru to file an application for bringing them on record as legal heirs of deceased Respondent, the delay occurred in bringing on record legal heirs has been condoned before hand. Such course is not permissible in law. The application for grant of permission to bring on record legal heirs along with application for condonation of delay, if any, would have to be made and then only issue of condonation of delay can be dealt with by the concerned authority, which has not been done in the instant case and, therefore, so far as concerned part of the order dated 16.07.2015, condoning delay in bringing on record legal heirs of deceased, it is liable to be quashed and set aside and it is accordingly quashed and set aside.

3 In this view of the matter, writ petition is partly allowed. The impugned order, to the extent it condones delay occurred in bringing on record legal heirs of deceased Keru, is set aside and the matter is remanded back to the Hon'ble Minister for deciding it afresh. Liberty is granted to the Respondent to file an

application seeking condonation of delay occurred in the matter. If such an application is filed, the period spent in prosecuting this writ petition shall be considered by the Hon'ble Minister in accordance with Section 14 of the Limitation Act, 1963. Parties to appear before the Hon'ble Minister on 7th February, 2017.

4 Rule is made partly absolute. There shall be no order as to costs.

C.A. No.11614 of 2016 does not survive and stands disposed of.

S.B.SHUKRE
JUDGE

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