

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

WRIT PETITION NO.10628 OF 2016

1. Shri Raosaheb Dagadu Bhakad
Age 63 years,
2. Kesharbai Bhausaheb Bhakad
Age 65 years,
3. Darshan Laxman Bhakad,
Age 11 years
4. Harshwardhan Laxman Bhakad
Age 9 years

Petitioner Nos.3 and 4 since minor,
hence, through their natural guardian
mother Manisha Laxman Bhakad

All R/o village Rastapur, Tq. Newasa,
District Ahmednagar.

... PETITIONER

VERSUS

1. Shri Abasaheb Ambadas Bhakad,
Age 66 years,
2. Shri Dinkar Vitthal Bhakad,
Age 65 years
3. Shri Kalyan Dinkar Bhakad,
Age 35 years

All R/o village Rastapur, Tq. Newasa,
District Ahmednagar

4. The State of Maharashtra,
through the Deputy Director of
Land Records, Nashik Division,
Nashik

5. The District Inspector of
Land Records, Ahmednagar,
District Ahmednagar

(Copy to be served on the
Government Pleader,
High Court, Aurangabad)

6. Sakahari Ambadas Bhakad,
Age major, Occu. Agri.
R/o village Rastapur, Tq. Newasa,
District Ahmednagar

... RESPONDENTS

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Shri M.S. Kulkarni, Advocate for petitioners
Shri A.M. Gaikwad, Advocate for respondent No.1
Shri R.R. Karpe, Advocate for respondent No.3.
Shri Y.B. Pathan, Advocate for respondent No.6
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CORAM: S. B. SHUKRE, J.

DATED: 27th February, 2017.

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally by consent of learned counsel for the parties.

2. On going through the impugned order, it is clearly seen that, the District Superintendent, Land Records, has not applied his mind to the material aspect of an application filed for condonation of delay. When such applications are considered and decided, it is necessary for the authority to record the finding

regarding presence or otherwise of the sufficient cause, enabling it to condone the delay. In the instant case, the delay has been of about 50 years and there is not even a whisper in the order about justification for the delay. In such a case, the order would have to be termed as arbitrary and passed against well settled principles of law. As such, the order cannot be sustained in law. The Petition is, therefore, allowed with costs. Impugned order dated 26/7/2016 is hereby quashed and set aside. The matter is remanded back to the learned District Superintendent, Land Records for considering the delay condonation application afresh in accordance with law, keeping in view the applicable judgments.

3. Liberty is granted to the respondents No.1 to 3 to supplement the contentions in the main application by filing an additional affidavit, with liberty to the petitioner to file reply.

(S. B. SHUKRE)
JUDGE

fmp/