

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

WRIT PETITION NO. 14322 OF 2017

RABENBI MEHABOOB SHAIKH
VERSUS
THE DEPUTY DIRECTOR OF LAND RECORDS,
AURANGABAD AND OTHERS

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Advocate for Petitioner : Mr Patil Indrale Anand V.
AGP for Respondents: Mr S N Kendre

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CORAM : V.K. JADHAV, J.

Dated: December 12, 2017

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PER COURT :-

1. Learned counsel for the petitioner submits that, in view of the provisions of Section 31 of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (hereinafter referred to as Act of 1947), the correction of clerical and arithmetical mistakes in the scheme can be directed by the Settlement Commissioner, alone. In the instant case, the District Superintendent of Land Records has published a Corrigendum by order dated 28.2.2003, without jurisdiction. Being aggrieved by the same, petitioner has approached the Deputy Director of Land Records, Aurangabad Region, Aurangabad.

aaa/-

2. It appears from the impugned order that, Deputy Director of Land Records has refused to entertain the said appeal on the ground that in view of the provisions of Section 35 of the Act of 1947, the State Government may examine the order passed by any officer under this Act as to the legality and propriety. I do not find any fault in the order passed by the Deputy Director of Land Records, Aurangabad Region, Aurangabad. Consequently, I do not find any substance in this writ petition. Writ Petition is disposed of, however, the petitioner is at liberty to file the revision before the State Government in terms of provisions of Section 35 of the Act of 1947. If such, revision is preferred within three weeks from the date of this order, the State Government may consider the time spent on pursuing the writ petition before this Court while considering the condonation of delay, if any.

3. Writ Petition accordingly disposed of. No costs.

(V.K. JADHAV, J.)

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aaa/-