

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3333 OF 2017**

Mrs Janaki Subhash Sawant

..Petitioner

Vs.

District Superintendent Land Record, Sangli & Ors

..Respondents

Mr. P. G. Kathane for the Petitioner

Mr. S. D. Rayrikar AGP for the Respondent Nos.1 & 2

Mr. M. G. Sawardekar for the Respondent Nos.4(a) to 4(f)

Mr. Akshay Bobade a/w Mr/ B. A. Punekar for the Respondent Nos.3, 5(a) to 5(f), 6(a) to 6(e)

CORAM : R. M. SAVANT, J.

DATE : 21st MARCH, 2017

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 2-1-2016 passed by the District Superintendent of Land Records, Sangli, by which order the application for condonation of delay filed by the Respondent No.3 came to be allowed. The said order has been challenged on the ground that the District Superintendent of Land Record has condoned the delay merely on the ground that the principles of natural justice require that such delay is required to be condoned. The District Superintendent of Land Record has not come to a conclusion that the Respondent Nos.3, 5 and 6 have shown sufficient cause for condonation of delay running into 45 years for discretion to be exercised in favour of the said Respondents. The application filed by the said Respondent No.3 was in respect of correcting the consolidation scheme which has been implemented in Village Bhose, Taluka

Miraj, District Sangli, as long back as in the year 1965. The Petitioner and the Respondent No.3 are the sons of one Dashrath Bandgar who had two other sons namely Laxman Dashrath Bandgar and Bhauso Dashrath Bandgar. It seems that Laxman and Bhauso have expired and their heirs are the Respondent Nos.5(a) to 5(f) and Respondent Nos.6(a) to 6(e) to the above Petition. However, the statements of the sons of the said Dashrath Bandgar were recorded before the Assistant Consolidation Officer in the year 1965 and it is the case of the Petitioner that the consolidation scheme was propounded on the basis of the said statement which was recorded by the Assistant Consolidation Officer.

2 The Learned Counsel for the parties i.e. Mr. Kathane for the Petitioner and Mr. Bobade for the Respondent Nos.3, 5 and 6 sought to make submissions against and for condonation of delay.

3 In my view, it is not necessary to delve into the said aspect since the District Superintendent of Land Records, Sangli has without coming to a conclusion that sufficient cause for condonation of delay has been made out by the Respondent Nos.3, 5 and 6 has condoned the said huge delay of 45 years. In my view, the interest of justice would be served if the impugned order dated 2-1-2016 is quashed and set aside and the matter is remanded back to the District Superintendent of Land Records Sangli for a denovo consideration of

the application for condonation of delay. The parties may file additional pleadings if so advised before the District Superintendent of Land Records Sangli. The parties to appear before the District Superintendent of Land Records Sangli on 5-4-2017. The District Superintendent of Land Records Sangli thereafter may decide the application for condonation of delay by 15-5-2017 on its own merits and in accordance with law, uninfluenced by the instant order. Needless to state that the contentions of the parties are kept open for being urged before the District Superintendent of Land Records Sangli.

4 The Petition is allowed to the aforesaid extent and is disposed of.

[R.M.SAVANT, J]