

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.20235 OF 2016

Malhari Shankar Shingade : Petitioner.
versus
State of Maharashtra
Representating the State Minister for
Revenue and Forest
Through its Secretary and ors. : Respondents.

Mr. Vishwajeet V Mohite i/by Mr. Siddharath Karpe for the Petitioner.
Ms. M S Bane “B” Panel Counsel for the Respondent Nos.1 to 4.

CORAM : R. M. SAVANT, J.
DATE : 20th February 2017

P.C.

1 The order dated 27/04/2016 passed by the Hon'ble Minister of State for Revenue Government of Maharashtra allowing the Revision Application filed by the Respondent No.5 herein is taken exception to by way of the above Writ Petition.

2 A consolidation scheme under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act was implemented in the Village Shelgaon, Tal.Indapur District Pune in the year 1971. The land bearing original Survey No.243 was the subject matter of the consolidation scheme. After almost 40 years of the said consolidation scheme being in force in the said village Shelgaon, the Petitioner herein filed an Appeal before the Superintendent of Land Records questioning the said consolidation scheme on

the ground that the land to the extent of 59 Ares is not shown against the name of the father of the Petitioner in Gat No.2374. The said appeal was rejected by the Superintendent of Land Records by the order dated 10/08/2012. The Superintendent of Land Records rejected the said appeal having regard to the Additional Gat Book and extract of consolidation scheme and on such consideration held that there is no question of existence of Survey No.243/1A/2A/A and therefore the appeal filed by the Petitioner could not be entertained.

3 The said order dated 10/08/2012 was challenged by the Petitioner by way of a further Appeal before the Deputy Director of Land Records, Pune. The Deputy Director by order dated 29/04/2014 allowed the said Appeal. The said Appeal was allowed on the ground that there is an error committed at the time of implementation of the gut scheme in so far as Survey No.243/5 is concerned to the extent of 59 Ares, and therefore, directed the correction of the said consolidation scheme in so far as the Petitioner's holding is concerned.

4 The Respondent No.5 challenged the said order dated 29/04/2014 by filing a Revision Application before the State Government. The said Revision Application was heard by the then Hon'ble Minister of State for Revenue, Government of Maharashtra, who as indicated above, by the impugned order has allowed the said Revision Application. The Revisionary Authority held that

the Appellate Authority i.e. the Deputy Director of Land Records has proceeded on an erroneous premise of consolidation scheme being implemented in respect of Survey No.243/5 whereas the consolidation scheme was implemented in respect of the entire old Survey No.243. The Revisionary Authority found fault with the Deputy Director of the Land Records in the matter of interfering with the consolidation scheme after a period of 40 years of the same being in force. The Revisionary Authority as indicated above has accordingly allowed the Revision Application filed by the Respondent No.5 by the impugned order dated 27/04/2016.

5 In my view, having regard to the order passed by the first Appellate Authority i.e. the Superintendent of Land Records as also the order passed by the Revisionary Authority as also having regard to the fact that the consolidation scheme is sought to be interfered with after it has been in force for last more than 40 years, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]