

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

WRIT PETITION NO. 7709 OF 2017

BABASAHEB SUNDAR MORE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioners : Shri Dhakane Rajendra B..
AGP for Respondents 1 to 3 : Shri S.R.Yadav.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 26th October, 2018

Per Court:

I have heard the learned Advocate for the Petitioners and the learned AGP on behalf of Respondent Nos.1, 2 and 3.

2 On 29.12.2016, this Court (Coram : V.K.Jadhav, J.) has not issued notices to the Respondents since this Court noticed that there were some objections with regard to the document Annexure B dated 29.12.2016 placed on record at page 52. The learned AGP was called upon to take instructions.

3 I find that the Petitioners had preferred an application seeking correction in the record of the land belonging to them, on 06.01.2016. The application was supported with a verification which is annexure A from pages 9 to 14. The impugned communication makes

mention of an application dated 19.03.2015 purportedly filed by these Petitioners.

4 The learned Advocate for the Petitioners submits, on instructions, that the application dated 19.03.2015 is not the one filed by the Petitioners. Annexure-A to the petition is the application, which was filed and there has been no order passed on the said application. He further submits that by preferring Annexure-A, the Petitioners seek correction in the consolidation scheme, which was formalized sometime in 1979-1980.

5 Apparently, I find that the grievance is raised in 2016 after about 35 years. It is informed that a correction in the consolidation scheme is permitted within three years from the date of the implementation of the scheme.

6 Considering the fact that there has been some confusion while issuing the impugned communication dated 29.12.2016, I do not find that the said communication would apply to the Petitioners. I, however, cannot pass any consequential order on the said communication dated 29.12.2016 since it should be left to the District Superintendent of Land Records, Beed to consider as to whether, a wrong communication has been sent to the Petitioners on somebody else's application. Leave, therefore, can be granted to the District Superintendent of Land Records, Beed to look into the matter and initiate appropriate steps.

7 This Writ Petition is, therefore, disposed of with the following directions :-

- (a) The Petitioners are at liberty to enter an application for condonation of delay within three weeks from today.
- (b) The District Superintendent of Land Records, Beed shall issue notices to all the litigating sides on the application filed by the Petitioners on 06.01.2016, which was though tendered before the Deputy Director of Land Records, Aurangabad, has already been transferred to the said Authority as per the contention of the learned Advocates and the delay condonation application.
- (c) Thereafter, the District Superintendent of Land Records, Beed shall issue notices on the application so as to enable the hearing on the condonation of delay, hear all the parties and he would pass appropriate orders.
- (d) If the delay is condoned, he would proceed to entertain the application dated 06.01.2016 filed by the Petitioners on it's own merits and in accordance with law.