

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

WRIT PETITION NO.2615 OF 2014

Shantaram Mahadu Lalgude	..	Petitioner
Vs.		
The Deputy Director of Land Record, Pune Region, Pune & Ors.	..	Respondents

Mr.Sanjiv Sawant a/w Mr.Sachin Kadam for the petitioner.
Mr.S.H.Kankal, AGP for the respondent no.1.
Mr.P.B.Shah i/by Mr.Kayval Shah for the respondent no.2.
Mr.Nikhil Karnawat i/by Mr.Rupesh Geete for the respondent no.3.

CORAM : R.D. DHANUKA, J.
DATE : 17th July 2018

P.C.:

. Heard learned counsel appearing for the parties.

2. A perusal of the impugned order dated 3rd June 2013 passed by the learned Minister on the revision application filed by the respondent no.2 indicates that the learned Minister has set aside the order passed by the learned Deputy Director of Land Record which was passed without considering the issue as to whether the application for modification of the consolidated scheme was filed within a reasonable period of time or not. In my view, the learned Minister thus in these circumstances, ought to have remanded the matter back to the learned Deputy Director of Land Record instead of considering the issue of condonation of delay raised by the respondent no.2 himself.

3. I therefore pass the following order :-

- (i) The impugned order dated 3rd June 2013 passed by the learned Minister, Revenue and Forest, Mumbai is quashed and set aside.
- (ii) The impugned order dated 24th March 2012 passed by the Deputy Director of Land Record, Pune is also set aside.
- (iii) The proceedings are restored back to the Deputy Director of Land Record for passing of an order afresh without being influenced by the observations made in his earlier order and the observations and the conclusions drawn in the order passed by the learned Minister.
- (iv) The petitioner would be at liberty to file an application for condonation of delay and a copy thereof shall be served upon the contesting respondents. It is made clear that dispute in the application filed by the petitioner before the Deputy Director of Land Record is only in respect of the land bearing Gat No.211 and not the other land.
- (v) The respondent no.3 will be at liberty to oppose the said application filed by the petitioner before the Deputy Director of Land Record with liberty to file a reply, if any, by the respondent no.3 to the application filed by the petitioner before the Deputy Director of Land Record. The said reply shall also be considered by the Deputy Director of Land Record.
- (vi) The learned Deputy Director of Land Record, Pune shall pass a reasoned order after considering the application for condonation of delay and explanation, if any, rendered in the application by the petitioner for said delay.
- (vii) The learned Deputy Director of Land Record shall dispose of the application filed by the petitioner expeditiously.

- (viii) It is made clear that this Court has not expressed any views on the issue as to whether there is delay on the part of the petitioner in filing the application for modification of the consolidated scheme or not.
- (ix) Writ petition is disposed of in aforesaid terms. No order as to costs.
- (x) Parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.