IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1790 OF 2018

Chinchani Tarapur Education Society. … Petitioner.
V/s.
State of Maharashtra and others. … Respondents.

Ms.Shilpa Kapil for the petitioner
Mr.P.G.Sawant, AGP for the respondent- State.

CORAM : A.S.OKA AND M.S.SONAK, JJ.

DATE : 14th September 2018.

P.C.:

On 31st August 2017, the District Superintendent of Land Records, Palghar condoned the delay in an appeal preferred by the fifth and sixth respondents under section 247 of the Maharashtra Land Revenue Code, 1966 (for short "the said Code"). Under the said order (Exhibit-E), the appeal was fixed for hearing on 19th September 2017. In prayer clause (c), the challenge is to the said order. Prayer clause (b) seeks to quash the proceedings initiated by the respondent Nos.5 and 6. Prayer clause (a) is for quashing of notice dated 13th June 2016 issued by the respondent No.2 calling upon the petitioner to remain present before the District Superintendent of Land Records at Palghar. Prayer (d) is relating to cancellation of 7/12 extracts in respect of certain properties.

2. As far as challenge to the order dated 31st August 2017 is concerned, the District Superintendent of Land Records has exercised his

power by admitting the appeal after condoning the delay. The submission of the learned counsel appearing for the petitioner is that against an order admitting the appeal, in view of clause (a) of section 252, an appeal is not maintainable under section 247 of the said Code.

3. There are two parts of the order dated 31st August 2017. The first part is an order condoning delay and second part is fixing the appeal on a particular date. After having perused section 252 of the said Code, we are of the view that the order condoning delay will be appealable and the bar created under clause (a) of section 252 will not apply. This takes care of prayer clauses (b) and (c). As regards prayer (a), the petitioner can make necessary representation before the concerned authority. Prayer clause (d) concerns the entries in the revenue records. It is well settled that entries in revenue records do not affect the title of the immovable property as the same are made only for the fiscal purposes. Therefore, if the title of the petitioner to the property is disputed, the petitioner will have a remedy before the Civil Court.

4. Subject to what is observed above, the petition is disposed of. All contentions on merit are kept open.

(M.S.SONAK, J.) (A.S.OKA, J.)