

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

57 WRIT PETITION NO.4676 OF 2015

**KAUTIK AHELAJI KHELAVNE AND OTHERS
VERSUS
DADA RAJARAM KHALADKAR AND OTHERS**

Advocate for Petitioners : Shri Ravindra Vitthal Gore
AGP for Respondents – State : Shri K.S.Patil
Advocate for Respondent Nos.1 to 3, 11, 13 to 19 & 24 :
Shri R.R.Imale

CORAM : P.R.BORA, J.
DATE: 18th March, 2019

PER COURT:-

1 Heard Shri R.V.Gore, learned Counsel appearing for the petitioners. Perused the impugned orders. The impugned orders reveal that the orders passed by the authorities prior to about 40 years were under challenge. The applications have been rejected by the Courts below, mainly on the ground of limitation.

2 It is the grievance of the petitioners that, in consolidation scheme implemented in the year 1974, a grave mistake had occurred and the area of lands in occupation of present petitioners or predecessors of the petitioners was reduced to considerable extent. The Courts below have rightly declined to consider the said request observing that the mistake, which had occurred in the year 1974 was sought to be corrected after a

period of more than three decades.

3 The learned Counsel for the petitioners placing reliance on the Judgment of this Court in the case of *Gunda Tuka Shinde since deceased by his heir vs. Pandharinath Ramrao Shinde and another* [1991 (2) Bom.C.R. 650] urged that the delay may not be the sole reason for rejecting the case of the present petitioners, if there is record in possession to prove the mistake which has occurred. The learned Counsel also invited my attention to the observations made in paragraph No.4 of the said Judgment to urge that no limitation is provided in such cases and as such, merely on the ground of limitation, case of the plaintiffs, which is otherwise good on merits, could not have been rejected by the authorities.

4 Shri R.R.Imale, learned Counsel appearing for the respondents opposed for considering the request made by the petitioners. Relying on the Judgment of the Hon'ble Apex Court in the case of *Santoshkumar Shivgonda Patil and others Vs. Balasaheb Tukaram Shevale and others* [2010(2) Mh.L.J. 150], the learned Counsel submitted that the powers of revision are to be exercised within reasonable time though there may not be time limit prescribed. .

5 In the instant case, the first action has been initiated on behalf of the present petitioners after about 40 years. There is no explanation as to why the authorities were not moved for quite long period. In such circumstances, it does not appear to me that the revenue authorities have committed any error in rejecting the belated claim of the petitioners. Petition being devoid of any substance deserves to be dismissed and is accordingly dismissed.

(P.R.BORA)
JUDGE

SPT