

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2 WRIT PETITION NO.4986 OF 2019

APPA LAXMAN DIVE AND ANOTHER
VERSUS
BABURAO RAMJI DIVE AND OTHERS

...
Advocate for Petitioners : Mr.Bora Satyajit S.
AGP for Respondents:Mr.S.P. Tiwari
Advocate for Respondents No.18 to 21 :Mr. R.R. Karpe

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CORAM : **RAVINDRA V. GHUGE, J.**

Date: August 5th, 2019

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PER COURT :-

1 I have heard the learned Advocates for the respective sides.

2 It appears that, the respondents had directly approached the Honourable Minister's Office, for seeking correction in the consolidation scheme of 1970 of Wadner Taluka. This was pursuant to the order dated 28.7.2015, passed by the District Superintendent of Land Records (DSLRL), Ahmednagar. Surprisingly, the Office Superintendent, office of the Deputy Director of Land Records Nasik, has informed the respondents, vide communication dated 7.11.2016 that, the parties should approach the Government, by filing an application, for seeking condonation of delay and challenge the order dated 28.7.2015, passed by the DSLRL, Ahmednagar. It is in this backdrop that, the respondents approached the Honourable Minister.

3 By the impugned order, the Honourable Minister has directed the DSLRL to correct the consolidation scheme, by

observing in a single sentence that, the claims of the respondents are being negated on technical grounds. He has not applied his mind to the fact that, the consolidation scheme was submitted in 1970 and the respondents have raised a grievance after 38 years on 19.2.2008, by which, they had directly approached Shri Narayanrao Rane, the then cabinet Revenue Minister, who had advised them to approach the Tahsidar, Rahuri.

4 In view of the above, this petition is allowed.

5 The impugned order of the Honourable Minister dated 8.1.2019 is quashed and set aside.

6 The respondents would be at liberty to approach the Deputy Director of Land Records, Nasik. Their original application dated 6.11.2016 shall be restored to the file, by respondent No.19 and the litigating sides shall appear before respondent No.19 on 30.8.2019 at 12 noon. Liberty is granted to the respondents to add to the pleading, set-out in the application dated 6.11.2016, if so advised. The petitioners shall participate in the hearing before respondent No.19, who shall decide as to whether the delay of 38 years can be condoned on its merits.

7 All the contentions of the litigating sides are kept open to be considered by respondent No.19.

(RAVINDRA V. GHUGE, J)