

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

WRIT PETITION NO.855 OF 2018

Yashwant Govind Bondre : Petitioner.
Versus
Balu Shankar Patil and ors. : Respondents.

Mr. Sandesh D Patil a/w Ms. Anusha P Amin for the Petitioner.
Mr. Vishal A Patil for the Respondent Nos.1 to 3
Mr. Y D Patil AGP for the Respondent No.4.

CORAM : S. S. SHINDE, J
DATE : 11th March 2019

P.C.

1 Heard the learned counsel appearing for the Petitioner, learned counsel appearing for the Respondent Nos.1 to 3 and the learned AGP appearing for the Respondent No.4.

2 The learned counsel appearing for the Petitioner submits that the impugned order dated 20/11/2017 has been passed by the Deputy Director of Land Records, Konkan Division, Mumbai thereby condoning the delay in filing the Appeal before the District Superintendent of Land Records. It is submitted that the said Appeal was preferred belatedly after a period of 30 years from the correction in the records. The learned counsel invited the attention of this Court to the reasons assigned by the Deputy Director of Land Records in the impugned order and submits that hardly there is any reason assigned to condone the delay in filing the Appeal. He therefore submits that the impugned

order deserves to be quashed and set aside.

3 The learned counsel appearing for the Respondent Nos.1 to 3 invited the attention of this Court to the contents of the application which was filed for condonation of delay in filing the Appeal and submits that sufficient cause was disclosed in the said application for condonation of delay inasmuch as the Respondent Nos.1 to 3 had no knowledge about the alleged corrections of area and therefore, keeping in view of the fact that sufficient cause being disclosed in the application, the delay was condoned by the Deputy Director of Land Records.

4 After hearing the learned counsel for the Petitioner, the learned counsel for the Respondent Nos.1 to 3 and the learned AGP appearing for the Respondent No.4 and after perusal of the reasons assigned by the Deputy Director of Land Records in the impugned order, this Court is of the opinion that the impugned order suffers from assigning any reason for condonation of inordinate delay of 30 years. In view of the fact that the impugned order suffers from assigning the reason for condoning the delay of the aforesaid period 30 years, the said authority should not have fixed the matter for hearing on merits.

5 In that view of the matter, the impugned order dated 20/11/2017

passed by the Deputy Director of Land Records is hereby quashed and set aside. The matter is remanded back to the Deputy Director of Land Records for a de-novo consideration. Rule is made absolute in terms of prayer clause (a). The proceedings are restored to file of the Deputy Director of Land Records to be heard afresh. Keeping in view of the time spent by the litigating parties, the Deputy Director of Land Records to hear and decide the said proceedings with a reasoned order as expeditiously as possible and within a period of three months from the receipt of this order. Needless to observe that reasonable opportunity of hearing should be afforded to the parties. The Writ Petition is disposed in the aforesaid terms. The ad-interim relief granted by this Court and which is in continuation stands vacated.

5 All concerned parties to act upon an ordinary copy of this order duly authenticated by the Court Sheristedar.

[S. S. SHINDE , J]