

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

32 WRIT PETITION NO.2128 OF 2020

ASARAM NAMDEO LAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. S.B. Solanke, Advocate for the petitioners.
Mr. S.W. Munde, A.G.P. for respondent Nos.1 to 4.

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CORAM : **Rohit B. Deo, J.**

DATE : 4th February 2020.

ORDER :-

. The petitioners are aggrieved by the order dated 27.06.2017 rendered by respondent 2, whereby the Revision preferred by the petitioner challenging the order dated 13.07.2016 passed by respondent 3, is rejected.

2. The genesis of the litigation is an application preferred by the petitioners in the year 2013 seeking correction of the consolidation scheme finalized in the year 1971.

3. Respondent 4 condoned the delay of more than 41 years and directed correction of consolidation scheme. This order is set aside by respondent 3 Deputy Director of Land

Records and the Revision preferred by the petitioners before the State of Maharashtra is rejected by the order impugned.

4. The issue is not *res integra*. It is settled by catena of decisions of this Court, which rely on enunciation of law by the Hon'ble Apex Court, that even if there is no prescribed period of limitation under the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, an application for correction of consolidation scheme must be filed within a reasonable period. In one of the decisions, it is observed that any period which is more than three years, would prima facie be unreasonable. Be that as it may, there was absolutely no justification for respondent 4 District Superintendent of Land Records to direct correction of the scheme under Section 32 (1) of the said Act.

5. The petition is dismissed.

(ROHIT B. DEO, J.)

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