

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1145/2022

Nandkishor Somani V Dy. director of Land Record, Nagpur and others

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr. Khapre, Senior Advocate with Mr. N.R. Saboo, Advocate for petitioner.
 Mr. N.R.Rode, AGP for resp. nos. 1 to 4.

CORAM : AVINASH G GHAROTE, J.

DATE : 24-08-2022

(Corrected as per Court's Order 30/08/2022)

The only grievance as raised by Mr. Khapre, learned Senior Counsel for the petitioner is that, the impugned order dated 08-02-2022 passed by respondent no.2 directs the inquiry afresh for submission of proposal for correction, whereas after an enquiry the proposal for correction was already submitted on 08-05-2013 (pg 54).

2. The record indicates that since the error was found to be committed by the consolidated authority in respect of land S.No.78 during consolidation proceedings, this Court by an order dated 05-06-2003 passed in WP No.3839/2002 had directed the Deputy Director of Land Records (Consolidation) to hear the parties in the matter of correction of records and take a decision within a period of three months. Thereafter, by an order dated 05-07-2004, in Revision, the Hon'ble Minister (Revenue), had remanded the matter to be decided on the position in existence prior to the consolidation. Since this was not done, again a Revision was filed before the State Government in which by an order dated 11-12-2007, the matter was again remanded back to the Consolidation Officer for determining the extent and holding of the land prior to the Consolidation Scheme (pg 36). In pursuance there to, enquiry report was prepared by the T.I.L.R., Washim on

22-08-2008 and on the basis of which proposal for correction was sent to the D.I.L.R., Amravati on 08-05-2013 (pg 13). The position prior to consolidation is indicated by the statement at page 62 and the proposed changes to be made at page 64. The respondent no. 1 by the impugned order, instead of acting in consonance with the order of Revision which directed that the position of S.No.78 to be determined prior to the Consolidation Scheme, instead remanded back the matter for a fresh inquiry and submission of a new corrected proposal. Since a proposal dated 08-05-2013 was already available (pg 54), it was expected for the respondent no. 1 who was holding charge of respondent no. 2 to have acted upon the same and not to have remanded the matter back for sending a new proposal after a fresh enquiry.

3. In view of the above the impugned order dated 08-02-2022 is quashed and set aside and the respondent no. 1 is directed to act upon the proposal dated 08-05-2013 already submitted to it and pass an appropriate order after hearing the parties.

4. Petition is partly allowed in above terms. No order as to costs.

5. It is expected that respondent no.2 shall decide the proceedings as expeditiously as possible and in any case within a period of three weeks from today.

JUDGE