

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

WRIT PETITION NO. 6889 OF 2023

Parmeshwar Gulabrao Lokhande
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Nisargraj B. Garje, Advocate for the Petitioners.
Smt. D. S. Jape, AGP for Respondent No. 1.

CORAM : KISHORE C. SANT, J.

DATED : 27th JUNE, 2023.

P C. :-

. The grievance in the petition is to an order dated 24.11.2020 passed by the District Superintendent of Land Records (D.S.L.R.), Beed thereby rejecting the appeal on the ground of non filing of application for condonation of delay when the appeal was filed after 48 years and secondly, for non-joinder of the parties.

2. Heard learned advocate for the petitioners and learned A.G.P for respondent No. 1. By consent of the parties taken for final disposal.

3. Learned advocate for the petitioners submits that, the petitioners be given an opportunity to file delay condonation application. The petitioners also seek direction to the D.S.L.R. to decide the appeal

afresh on making sufficient compliance. They are ready to file application for condonation of delay and also to add necessary parties to the appeal.

4. Considering the submissions and the relief prayed for, this Court finds that, no notice is necessary to respondent Nos. 2 to 15. Learned A.G.P. waives notice for respondent No. 1.

5. Learned A.G.P. submits that, since the entry taken in the year 1971 was challenged by the petitioners, the authority has rightly held that there was delay and therefore in absence of application for condonation of delay, he has rightly rejected the appeal. She further submits that, it was necessary for the petitioners to add all the persons in Survey No. 425 as parties in respect of their grievance they were challenged to justify the order.

6. Considering the arguments this Court finds that, the respondent No. 1 i.e. D.S.L.R. can be directed to consider the appeal afresh along with application for condonation of delay and by making all the land holders in Survey No. 425 as parties. Hence, the following order is passed.

7. The writ petition is partly allowed.

8. The impugned judgment and order passed by the D.S.L.R. dated 24.11.2015 (Exh. - C, page no. 18) is quashed and set aside.
9. The petitioners to approach the respondent No. 1 with fresh appeal memo along with delay condonation application within a period of three (03) weeks from today by making all the persons interested as necessary parties to the appeal.
10. The writ petition stands disposed off.

(KISHORE C. SANT, J.)

PS.B.