



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13394 OF 2022**

Mahadeo Tukaram Kanchan ... Petitioner
versus
The State of Maharashtra and Ors. ... Respondents

Mr. Swaraj Jadhav with Mr. Vikas Kumbhar for Petitioner.
Mr. A.P.Vanarse, AGP for State.
Mr. Drupad S. Patil, for Respondent.

**CORAM: N.J.JAMADAR, J.
DATE : 20 JULY 2023**

P.C.

1. The Petitioner assails the order passed by the Minister of State (Revenue) in RTS Revision No.3421/254/Pra.Kra-340/J-5 dated 2 June 2022 whereby the Minister of State (Revenue) allowed the Revision Application by setting aside the order dated 17 March 2021 passed by the Superintendent of Land Records, Pune, modifying the consolidation scheme to the extent of the name of the person who was stated to be the tenant of land bearing Gat No.993 from Tulshiram Shripati Kanchan to Tulshiram Kashiba Kanchan, holding that the said mistake arose on account of a typographical error. The Minister was of the view that the revision application was allowed without providing an effective opportunity of hearing to Respondent Nos.5 and 6 – Revision applicants.

2. From the perusal of the record, it appears that the proceedings commenced with an application by the Petitioner before the District Superintendent

of Land Records, Pune dated 10 December 2018 purportedly for the modification of the scheme settled under the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

3. Upon considering entire material on record, especially the impugned order, and the order passed by the District Superintendent of Land Records, directing modification of the scheme, it becomes evident that no effective opportunity of hearing was given to the Respondent Nos.5 and 6.

4. It would, therefore, be expedient that the proceedings for modification in the scheme are restored to the file of the District Superintendent of Land Records.

5. The District Superintendent of Land Records shall decide the application afresh after providing an effective opportunity of hearing, without being influenced by the order dated 17 March 2021 and the order passed by the State Government in revision.

6. Apparently, the District Superintendent of Land Records has considered the application to be an application for modification under Section 31A of the Act. Yet, by way of abundant caution, it is clarified that the District Superintendent of Land Records shall consider the application, post restoration, for modification of the scheme under Section 31A of the Act.

7. The issue of limitation be also permitted to be agitated on behalf of Respondent Nos.5 and 6.

8. The parties are at liberty to file Affidavits before the District Superintendent of Land Records.

9. The Writ Petition stands disposed.

(N.J.JAMADAR, J.)