



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

WRIT PETITION NO. 2004 OF 2014

GANGADHAR PATILBA SHEJUL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioners : Mr. Altmas Shaikh holding for
Mr. Patel Shaikh Ashpak Taher
AGP for Respondents No.1 to 5 : Mrs. M. L. Sangit
Advocate for Respondents No.7 and 8 : Mr. N. L. Paithane holding
for Mr. Anil S. Golegaonkar
Advocate for Respondents No.10 to 14 : Mr. D. P. Palodkar
...

CORAM : S. G. MEHARE, J.

DATE : 09-05-2024

PER COURT :-

1. Heard the learned counsels for the respective parties.
2. Respondents had impugned the mutation entry before the Deputy Director of Land Records. It was case of the petitioners that, in fact, there was no delay, as entries were back dated. They had applied for condonation of delay as precautionary measure. Considering the facts, the District Superintendent of Land Records condoned delay and posted the matter for hearing. However, the petitioners have impugned the order of District Superintendent of Land Records condoning the delay before the Deputy Director of Land Records, who dismissed the revision and unnecessarily referred the order of this Court which has no concern at all with the matter, the Court passed the order dismissing the writ petition of the petitioners as alternate remedy is available.

3. Learned counsel for the petitioners submits that in similar matter, this Court, on 17.04.2014, passed the order, by setting aside the order of Deputy Director of Land Records and send the matter to him for deciding the revision against delay condonation application on merit.

4. Learned counsel for the petitioners submits that the impugned order is without merit. The Deputy Director of Land Records just discussed the order of this Court passed in Writ Petition No.1336 of 2014 (*Gangadhar Patilba Shejul and others vs. the State of Maharashtra and others*), dated 13.02.2014. The Deputy Director of Land Records did not consider the impugned order and just passed a mechanical order. Therefore, it needs to be set aside and the matter needed to remit to him for deciding the revision challenging order of District Superintendent of Land Records, condoning the delay.

5. Per contra, the learned counsel for the respondents No.10 to 14 argued that the illegal entries have been taken back dated. Therefore, there was no delay. The officer who mutated the entries has been suspended.

6. Perused the impugned order.

7. It was a revision against the condonation of delay. The order is without reasons. The Deputy Director of Land Records simply

referred the order of this Court mentioned above and without any reasons dismissed the revision. The order without reasons is no order in the eye of law. He ought to have decided the revision on merit. Therefore, the impugned order dated 04.03.2014 passed by respondent No.5 the Deputy Director of Land Records, Aurangabad stands quashed and set aside. The case is remitted to respondent No.5 Deputy Director of Land Records, Aurangabad to decide the revision on merit by granting an opportunity to both sides.

8. It is clarified that he should not get confused with the order passed in Writ Petition No.1336 of 2014, dated 13.02.2014. He should decide the revision on its merit without influenced by the said order.

9. Both parties should appear before respondent No.5 the Deputy Director of Land Records, Aurangabad, on 20.05.2024. Thereafter, he shall decide the revision within two months.

10. Since the parties are appearing, there shall be no fresh notice to them.

11. With the above directions, the writ petition stands disposed of.

(S. G. MEHARE)
JUDGE

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