



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

935 WRIT PETITION NO. 3832 OF 2022

KASHINATH MARUTI NAWALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Mr. Arvind G. Ambetkar.
AGP for Respondent Nos.1 to 6 : Mr. S. N. Kendre.
Advocate for Respondent No.7 : Mr. Shikrashna B. Solanke.
...

CORAM : **KISHORE C. SANT, J.**

DATE : 22nd October, 2024.

P.C.:

. Heard the learned counsels for the parties.

2 At the very outset, the learned counsel for respondent No.7 raised an objection as regards the maintainability of the petition. On his objection, this Court has seen the order under challenge. There is no any order as such, which is under challenge. The petitioner, by way of this petition, has challenged the notice dated 2nd March, 2022 issued by the Deputy Superintendent, Land Records, Parner, under the Consolidation Act. By the said notice, the petitioner is asked to remain present for the purpose of carrying out the measurement of the land and survey numbers and gut numbers given in the notice. Such notices are issued to total 30 persons having rights in the lands. This Court hardly finds any order as such passed in any proceedings.

3 The learned counsel for the petitioner tried to convince this Court saying that the consolidation scheme was implemented in the village long back and now after 46 years the application is moved by the respondents for measurement. From issuance of notice, it is clear that the authorities have condoned the delay without any authority. However, no such order seems have been passed by the authorities.

4 Though there is substance in the argument of the learned counsel for the petitioner that under the consolidation scheme the application needs to be filed within three years being reasonable period. However, this Court finds that all these things can be agitated before the authorities, who would consider the submissions / reply, if any, before passing the order.

5 In view of the same, this Court finds that the petition in the present form and stage is not maintainable. Therefore, the writ petition stands disposed of with liberty to the petitioner to approach the concerned authorities and put forth his say before the authorities.

6 The authorities to consider the reply filed by the petitioner.

[KISHORE C. SANT, J.]