



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

27 WRIT PETITION NO. 9937 OF 2021

ASARAM SALULBA KHANDEBHARAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioners : Mr. Bangar Nilkanth P.
AGP for Respondents/State : Mr. S.B.Jadhav
Advocate for Respondent Nos. 4 to 8 : Mr. Ghode Madhav C.
...

CORAM : KISHORE C. SANT, J.

DATE : 21.10. 2024.

PER COURT :

1. This Writ Petition is filed challenging the order passed by the authorities i.e. District Superintendent of Land Records, Jalna who condoned the delay of 50 years and considered the application for variation of the consolidation scheme implemented in the year 1971.

2. Learned Advocate for the petitioners submits that this Court has taken a view that delay cannot be condoned if

appeal is filed after more than 3 years though the limitation is not provided under the Consolidation Act, reasonable period would be 3 years from the date of Consolidation Scheme. It is also settled that the authorities do not have power to condone the delay if any. He relied upon the judgment in case of **Suresh Bapu Sankanna and Others Vs. State of Maharashtra and Others – 2018 (4) Mh.L.J. 331**. This court has held that the authorities have no power to condone the delay if the appeal is filed beyond the period of limitation. The Division Bench of this court has also considered various judgments passed by the Hon'ble Apex Court in the Writ Petitions. The petitioners thus, pray for allowing the petition.

3. Learned AGP supports the impugned order stating that the reasons are assigned by the said authorities while condoning the delay.

4. The learned Advocate for the private respondents, vehemently opposed the petition. He submits that the main appeals are still pending before the authorities. By way of writ petition only interim order is challenged and secondly the order

can be challenged before the Appellate Authority provided under the law. Thus, his submissions are only to challenge of the interim application if any filed and secondly on availability of alternative remedy. This court is convinced that the order passed by the learned Deputy District Superintendent of Land Records is totally without jurisdiction. This Court certainly can entertain the petition challenging such orders.

5. In view of the same, the Writ Petition stands allowed in terms of prayer clause (B). No order as to the costs.

6. The Writ Petition stands disposed off in above terms.

(KISHORE C. SANT)
JUDGE

mahajansb/