



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO.5586 OF 2024

BHAGWAT NARSING WAGMARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. D.D. Sarawade Patil, Advocate for petitioners

Mr. V.M. Jaware, AGP for respondent Nos.1 to 3

...

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 13th JUNE, 2024

ORDER :

1 The order passed by District Superintendent of Land Records, Osmanabad dated 28.03.2022 is assailed in this petition on the ground that the delay of 50 years for correction of record of consolidation scheme has been condoned. Learned Advocate appearing for the petitioners relies upon the Judgment of this Court in case of **Gulabrao Bhaurao Kakade since deceased by L.Rs. and others vs. Nivrutti Krishna Bhilare and others** [2001 (4) Mh.L.J. 31] and other Judgments, wherein it is held that even though limitation is not provided for exercising the powers conferred under Section 32 (1) of the Bombay Prevention of Fragmentation and Consolidation of

Holdings Act, such powers can be exercised within reasonable period, that is, up to three years. Prima facie, it is observed that exorbitant delay could not have been condoned.

2 Issue notice to the respondents, returnable on 25.07.2024.

Learned AGP waives notice for respondent Nos.1 to 3.

3 Leave to amend prayer clause.

(S.G. CHAPALGAONKAR)
JUDGE

agd