

varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3335 OF 2017**

Dilip Mahadev Ranavare and Ors ... Petitioners

vs.

Dattatray Narayan Ranavare and Ors ... Respondents

Mr. Rahul S. Kate, for Petitioners.

Mr. A.P. Vanarse, AGP for Respondent-State.

CORAM : GAURI GODSE, J.

DATED : 5th JANUARY, 2024

P.C. :-

1. Heard.

2. This petition is filed with a prayer to challenge the Order dated 2nd September 2013 passed by the Deputy Director Land Records, Pune, in Revision Application/SR/2652/2013 and the Order dated 28th September 2015 passed by Settlement Commissioner/District Superintendent, Land Records Solapur. A perusal of the annexures to the petition indicates that the Order dated 2nd September 2013 was passed by the District Superintendent, Land Records Solapur, in Appeal SR.1046/2013. The said order dismisses the appeal as barred by limitation as the same was filed after 41 years praying to

cancel Mutation Entry No. 880. The annexures to the petition further indicate that the Order dated 28th September 2015 was passed by Deputy Director Land Records, Pune, in Revision No. 2652/2013, filed under Section 257 of the Maharashtra Land Revenue Code 1966 ("MLRC"). It appears that the said Revision was filed to challenge the order dated 2nd September 2013. By the said Order dated 28th September 2015, the Revision was also dismissed by holding that there was no reasonable ground for condonation of delay.

3. Learned counsel for the petitioner submitted that the original holding of the petitioners is based on survey numbers nos. 9/1 and 9/6. However, at the time of implementing the Gat Scheme, the petitioners' total holding with respect to survey nos. 9/1 and 9/6 were not given effect, and a lesser area is shown as the petitioners' holding. He relied upon the 7/12 extract on page 22 to show that the area of survey no. 9/6 was added to survey no. 9/1. He thus submitted that the authorities have failed to take into consideration the original holding of the petitioner while giving effect to the Gat scheme.

4. I have perused the record. Perusal of the record indicates that on 24th May 2002, petitioner no.1, filed an application before the

Director of Land Records, Pune and requested for correction of the Gat Scheme. It was contended that incorrect area of the petitioners' holding was recorded in the consolidation scheme. Hence, it was prayed that a corrigendum regarding the correct area be issued. The said application was rejected on 23rd September 2004 by the Deputy Director of Land Records, Pune. It was held that the Gat Scheme was implemented based on mutation entry no. 880; hence, petitioner no. 1 needs to file an appropriate appeal under section 247 of '**MLRC**' for redressal of his grievance. It appears that petitioners filed an appeal bearing no. SR. 1046 of 2013, before the District Superintendent of Land Records, for challenging mutation entry no. 880 and prayed for condonation of delay in filing the appeal. By order dated 2nd September 2013, the District Superintendent of Land Records, Solapur, dismissed the said appeal by holding that there was no condonable ground to justify the delay of 41 years in filing an appeal. Hence, the appeal was dismissed as barred by limitation.

5. Thereafter, the petitioners filed a Revision Application under section 257 of MLRC before the Deputy Director of Land Records, which was numbered as Revision Application No. SR 2652 of 2013. By order dated 28th September 2015, the Deputy Director of Land Records, Pune dismissed the petitioners' Revision Application and

confirmed the order dated 2nd September 2013, passed by the District Superintendent of Land Records. Hence, the petitioners have taken exception to the aforesaid orders dated 2nd September 2013 and 28th September 2015.

6. Perusal of both the impugned orders shows that the petitioners' appeal was dismissed as barred by limitation. Both the authorities have held that the petitioners have not given any justifiable reason to condone delay of 41 years to challenge the mutation entry no. 880. The Deputy Director of Land Records has held that the impugned mutation entry no. 880 was recorded on 27th December 1971, and the petitioners never raised any objection at the time of implementation of the consolidation scheme. It is held that on 16th February 2000, the petitioners were informed about the proposed correction to the consolidation scheme by the Taluka Inspector of Land Records, Malshiras. Thereafter, the Deputy Director of Land Records, Pune by letter dated 23rd September 2004, had informed the petitioners that the consolidation scheme was implemented based on mutation entry no. 880, and hence, the petitioners were required to challenge mutation entry no. 880. However, petitioners after that, on 8th March 2013, filed an appeal before the District Superintendent of Land Records. Thus, it is held that even after intimation dated 23rd September 2004, the petitioners

did not take any steps for a period of 9 years. Hence, it was held that the petitioner's appeal was rightly dismissed for want of sufficient reason to condone delay. Hence, the Deputy Director of Land Records dismissed the petitioner's Revision Application by holding that the petitioner failed to show any sufficient reason for condoning delay.

7. Thus, in view of the aforesaid, I do not see any illegality or infirmity in the reasons recorded in the impugned orders. Learned counsel for the petitioners was unable to point out that the petitioners had any condonable ground for approaching the District Superintendent of Land Records for challenging mutation entry no. 880 even after intimation dated 23rd September 2004.

8. There is no merit in the petition. Hence, the petition is dismissed.

(GAURI GODSE, J.)