

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9078 OF 2024

Balu Baburao Barkale (Deceased)
Since Deceased by his Lrs. and Ors.

...Petitioners

Versus

Baban Bhika Gadge And Ors.

...Respondents

....

Mr. Drupad S. Patil, for the Petitioners.

Mr. Dilip Bodake for the respondent Nos. 1 to 3.

....

CORAM : AVINASH G. GHAROTE, J.

DATE : 1st JULY, 2024

P.C.:

1. It is not in dispute that the Consolidation Scheme under the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947 was finalised in the year 1971, consequent to which, entries in 7/12 extract have been recorded in terms of the Consolidation Scheme, as a result of which the owners of agricultural land were throughout aware regarding the change in their holdings. This being the position, the challenge to the 7/12 extract in the year 2014, was clearly not maintainable, on account of the fact that due to lapse of time the entries is recorded in the

mutation register were accepted by the parties. The order dated 04.04.2016, which seeks to condone a delay of more than 42 years was clearly not sustainable, apart from which the reason which is given in the impugned order dated 04.04.2016 (Page-83), only says that as the Consolidation Scheme was made by the State and in case it is found to be incorrect, that would be an act of the part of the State and can be a ground to condone the aforesaid delay, is clearly incorrect. I therefore do not see any reason to sustain the impugned order dated 04.04.2016. The same is hereby quashed and set aside. The petition is therefore accordingly allowed in the aforesaid terms. No costs.

(AVINASH G. GHAROTE, J.)