

VRJ

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

WRIT PETITION NO.2581 OF 2024

VAIBHAV
RAMESH
JADHAV
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Sudam Krishna Alias Kushaba Pathare
Since Deceased Through Legal Heirs ... Petitioner

V/s.

The State of Maharashtra
Through Department of Revenue & Ors. ... Respondents

Mr. S. J. Karandikar with Mr. Nikhil V. Chavan and Mr.
S. A. Kocharekar for the petitioner.

Mr. P. G. Sawant, AGP for the State/respondent Nos.1
to 4.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 26, 2024

P.C.:

1. The respondent No.5(1) challenged order passed by the authorities in 1964 under the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 in 2018. The said appeal was allowed on 29th October 2020, however, on 28th September 2019 sole contesting respondent died. The District Superintendent of Land Records, by order dated 29th October 2020, allowed the appeal and directed preparation of fresh record in exercise of power either under section 31A or 32 of the said act. Accordingly authorities under the act implemented

the order against the dead person. The petitioner challenged such exercise of power after remand before the Minister. The Minister by the impugned order has rejected the petitioner's appeal.

2. Hence, issue notice to the respondents, returnable on **22nd April 2024**.

(AMIT BORKAR, J.)