



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO. 5455 OF 2024

SANJAY DATTATRAY PATHAK
VERSUS
THE DEPUTY DIRECTOR OF LAND RECORD AND OTHERS

Mr. Rahul R. Karpe, Advocate for the Petitioner
Mr. P. R. Katneshwarkar, Senior Advocate a/w Mr. Harshvardhan Karad
i/b Mr. Shrirang Katneshwarkar and Dilip Rode, Advocate for Respondent
Nos. 5, 6 and 8
Mr. V. M. Chate, AGP for the Respondent/State
Mr. V. S. Kadam, Advocate for Respondent No.4

CORAM : R. M. JOSHI, J.

DATE : 12th SEPTEMBER, 2025

P.C. :-

1. By consent of both sides, Petition be heard finally at the stage of admission.
2. This Petition takes exception to the order passed by Deputy Superintendent of Land Record (DSLRL) rejecting the Appeal filed by the Petitioner against the consolidation scheme which was effected in the year 1988.
3. It is the case of the Petitioner before the DSLRL that the consolidation scheme was implemented, no notice was issued to the Petitioner in respect of the same. It is further contended that the Petitioner could not file appropriate proceedings owing to suffering from amnesia. It is further contention of the Petitioner that the

communication addressed by DSLR dated 22/11/2022 indicates that the scheme of consolidation was not properly implemented and that the entries taken during the relevant time are not been correctly done.

4. The DSLR dismissed the Appeal by order dated 25/08/2010. An Appeal came to be filed before the Deputy Director of Land Record, Nashik, Division Nahsik after seven years of the said order. This Appeal came to be rejected by order dated 23/12/2019 after around more than four years, present Petition is filed.

5. Learned Counsel for the Petitioner submits that the authorities below have adopted technical view while rejecting the Application for condonation of delay. It is his contention that the communication addressed by the authority indicating some irregularities in the implementation of the consolidation scheme ought to have been taken into consideration. It is his submission that the authorities have though taken note of the illness of the Petitioner, however, refused to condone the delay, which is not proper. All these amongst other submissions, interference in the impugned order is sought and delay is asked to be condoned.

6. Learned senior Counsel appearing on behalf of the the Respondent pointed out to this Court that the Petition itself deserves to be dismissed for delay and laches. It is his submission that the Petition

has been filed after about five years of passing of the impugned order so also the order passed by the DSLR came to be challenged after seven years before the Deputy Director of Land Record, Nashik Division. It is his submission that considering all these aspects, this is not the case of causing interference in the impugned order.

7. This Court is testing the correctness or otherwise of the order impugned in exercise of writ jurisdiction. Unless perversity is shown in the order, it would not be appropriate to cause any interference in the orders impugned. The facts as on record indicate that the Petitioner is not diligent in pursuing the remedies before the authorities. The proceedings were filed before the DSLR after about 18 years of the consolidation of scheme. Thereafter when the said challenge was rejected in the year 2010, he took sweet seven years more time to prefer an Appeal against the said order before DSLR. Before this Authority though Petitioner was unsuccessful, he took more than four years to file the present Petition. All these facts show that this is not the case wherein any discretion is to be exercised in his favour.

8. As a result of above discussion, Petition stands dismissed.

(R. M. JOSHI, J.)

ssp