



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO. 6875 OF 2025

Dashrath Bappaji Deokar And Another

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Advocate for Petitioners : Mr. R.P. Dhase

AGP for Respondents: Mr. P D Patil

CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 13, 2025

PER COURT :-

1. Heard Mr. Dhase, learned advocate appearing for petitioners.
2. The petitioners raised challenge to the impugned order dated 10.2.2025 passed by the Additional Secretary, Revenue and Forest Department on application dated 20.12.2024 filed in appeal no.417 of 2022, whereby respondent authority converted appeal filed by private respondent into revision under section 35 of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (for short said act).
3. Mr. Dhase, would submit that, aforesaid order is passed without considering objection raised by petitioners. According to him, appeal was preferred in the year 2022 after lapse of period of 836 days and same is now permitted to be converted into

revision without looking to the aspect of delay and laches. Therefore, the order impugned has caused serious prejudice to the rights of petitioners.

4. Perusal of the impugned order dated 10.2.2025 suggests that respondent authority has merely entertained an application for conversion of appeal into revision and amendment to that effect has been allowed. Mr. Dhase, informed that now amended memo of revision has been filed and there is no whisper about delay and laches.

5. Perusal of section 35 of the said act shows that State Government or the Commissioner in respect of such matters as the State Government may by general or special order specify in this behalf, may at any time for the purpose of satisfying itself as the case may be as to the legality or propriety of any order passed by any officer under this Act call for and examine the record of any case pending before or disposed of by such officer and may pass such order in reference thereto as it thinks fit. Proviso appended to section 35 specifies that no order shall be varied or revised until the parties interested have been given a reasonable opportunity of showing cause against the proposed variation or revision of the order.

6. Considering aforesaid provision, it does not appear that any specific time limit is provided for filing revision. However, fact remains that while entertaining the revision, authority has to consider whether such revision is filed within reasonable period and by judicial pronouncements by this Court as well as Supreme Court of India reasonable period is now being fixed to three years. In that view of the matter, it would be open for petitioners to raise objection as to delay and laches, in case, they wishes to do so. Similarly, petitioners would be entitled to raise objection as to maintainability of the very revision application before said authority. Merely because amendment is permitted, all these technical aspects cannot be deemed to be dispensed with, and if advised, petitioners may raise the same, in that contingency, concerned authority would deal the same in accordance with law. In that view of the matter, this Court do not find any reason to cause interference in the impugned order in exercise of the writ jurisdiction under Article 227 of the Constitution of India. Hence, writ petition stands **dismissed** with the aforesaid observations. No costs.

(S. G. CHAPALGAONKAR, J.)

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