



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 582 OF 2019

Manikrao Potanna Patil

Age : 69 years, Occu. : Agri.

R/o. Bannali, Tq. Dharmabad, Dist. Nanded

Through GPA Kishor Manikrao Patil

Age : 40 years, Occu. : Agri.

R/o. Bannali, Tq. Dharmabad, Dist. Nanded

.. Petitioner

Versus

1. Chandar Satwaji (Deceased) by L.Rs.
- 1/1 Narayan s/o Chandar Chapale
Age : 49 years, Occu. : Agri.
R/o. Bannali, Tq. Dharmabad, Dist. Nanded
2. Gangubai Santuka (Deceased) By L.Rs.
Maroti Moglaji Bunnod
Age : 53 years, Occu. : Agri.
R/o. : as above.
3. Ramu (Ramchandra) s/o Nagnath Patil
Age : 58 years, Occu. : Agri.
R/o. : as above.
4. Subhash Pundlik Patil
Age : 53 years, Occu. : Agri.
R/o. : as above.
5. Yashodabai Gangadhar Patil
Age : 59 years, Occu. : HH.
R/o. : Bidrali, Tq. Mudhol,
Dist. Adilabad (Andhra Pradesh)

6. Dy. Director, Land Record
Aurangabad Region, Aurangabad
7. District Supdt.
Land Record, Nanded.
8. Dy. Supdt. Of Land Record,
Dharmabad, Dist. Nanded.
9. Hon'ble State Minister for Revenue
Mantralaya, Mumbai. .. Respondents

Mr. Vivek V. Bhavthankar, Advocate for the Petitioner.
Mr. U. B. Bilolikar, Advocate for Respondent No. 2.
Mr. B. B. Bhise, AGP for Respondent Nos. 6 to 9.

CORAM : KISHORE C. SANT, J.

DATE : 10th NOVEMBER, 2025.

ORAL JUDGMENT :-

1. Heard the parties.
2. Rule. Rule made returnable forthwith. By consent of the parties taken up for final disposal.
3. A challenge in the writ petition is to the judgment and order dated 27.08.2014 passed by the Hon'ble Minister (Revenue) in appeal No. 2014/pra. Kra.139/J-7(A) Bhag-2 thereby the Hon'ble Minister has committed a mistake while allowing the proceeding filed by the respondent challenging the judgment and order dated

12.03.2014 in appeal No. Consolidation/Appeal/S-R-879/2013 passed by the Deputy Director of Land Record, Aurangabad, Region Aurangabad. The present petitioner aggrieved by the said judgment and approached this Court. It is the case of the petitioner that, the petitioner was having land to the extent of 17 Acres, 13 Guntha before implementation of the consolidation scheme in village Bannali, Taluka Dharmabad, District Nanded. In consolidation scheme in the year 1972 the area is wrongly shown to be of 13 Acre and four Guntha. It is thus a mistake committed while taking entries after implementation of the consolidation scheme.

4. The learned advocate Mr. Bhavthankar for the petitioner has taken this Court through the Khasra Pahani Patrak of the village showing the possession of the petitioner over 17 Acres and 13 Guntha land, 7/12 extract for the year 1960-61 onwards showing the same area till 1968-69. He submits that, it is only after consolidation while preparing the record a mistake is committed and in that view the petitioners approached the learned District Superintendent of Land Records, Nanded. The learned District Superintendent of Land Records wrongly rejected the appeal and

appeal was filed before the Deputy Director who correctly passed an order. There was no case made out before the Hon'ble Minister to allow the proceeding filed by the respondents. He thus submits that, the impugned judgment and order deserves to be quashed and set aside by restoring the judgment and order passed by the learned Deputy Director, Land Records.

5. The learned advocate Mr. Bilolikar for respondent No. 2 on the other hand vehemently argued that, the consolidation scheme was implemented in the year 1972. The petitioner was very much present when the scheme was implemented. Form No. 4 is signed by the great grandfather of the present petitioner whose name appears on the then record. For the first time in the year 2013 he raised an objection to the entries and prayed for correction of the record. He submits that, once the scheme is implemented, in view of section 32 sub section 2 of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act (for short "the said Act"), if any entry is to be challenged it needs to be challenged within 30 days from the date of such order. In the present case, there is gap of 41 years in approaching the first authority. He relies upon the judgment in the case of **Dattu Appa**

Patil Vs. State of Maharashtra and others reported in **2006 (6) All MR 421**. The Division Bench of this Court considered section 32 (1) of the said Act that, the variation in the scheme cannot be justified after certain period. In the said case, it was sought to be done after 27 years. In the present case, it is sought to be done after 41 years.

6. This Court has heard the parties. From the record it does appear that, the consolidation scheme was implemented by considering the pot-hissa. So far as pot-hissa is concerned, it is observed that, the petitioner was possessive only 13 Acre and four Guntha of land and not more. Even after the implementation of the scheme, the same area is shown of the petitioner. No any variation in the area is observed by the Hon'ble Minister and therefore, he dismissed the proceeding. Nothing is shown to this Court to come to conclusion that the Hon'ble Minister has committed any error in passing the impugned judgment and order. The Hon'ble Minister has rightly observed that the record after consolidation is rightly made on the basis of form Nos. 4, 11 and 12. This Court does not find any mistake committed by the Hon'ble Minister. On the contrary, it is seen that the learned

Deputy Director, Aurangabad had committed a mistake and therefore, the Hon'ble Minister allowed the proceeding filed before him.

7. This Court thus finds that, there is no merit in the petition. Therefore, the writ petition deserves to be dismissed and the same is hereby dismissed. Rule is discharged.

8. Pending civil application, if any, also stands disposed of. No order as to costs.

(KISHORE C. SANT, J.)

PS.B.