



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO. 1117 OF 2022

Shahebrao S/o. Ambadas Jadhav,
Died Through LRs.

1. Rahibai W/o. Sahebrao Jadhav,
Age : 43 years, Occ. : Agri,
R/o. Ruibhar,
Tq. & Dist. Osmanabad.
2. Ravindra S/o. Sahebro Jadhav,
Age : 23 years, Occ. : Agri,
R/o. Ruibhar,
Tq. & Dist. Osmanabad.
3. Pravin S/o. Gopal Jadhav,
U/G of Radika W/o.
Age : 32 years, Occ. : Agri,
R/o. Ruibhar,
Tq. & Dist. Osmanabad.
4. Chhayabai W/o. Hari Yadav,
Age : 28 years, Occ. : Household,
R/o. Bakshi, Hipparga, Tq. Uttar Solapur,
Dist. Solapur.

... PETITIONERS

VERSUS

1. Superintendent of Land Record,
Osmanabad, Dist. Osmanabad.
2. Dy. Superintendent of Land Record,
Osmanabad, Collector Office Premises,
Osmanabad, Dist. Osmanabad.
3. Jilani Shaikhlal Shaikh (Tamboli),
Age : 70 years, Occ. : Agri,
R/o. Ruibhar,
Tq. & Dist. Osmanabad.

4. Yashin Shaikhlal Shaikh,
Age : 23 years, Occ. : Agri,
R/o. Ruibhar,
Tq. & Dist. Osmanabad.
5. Mahadeo S/o. Maruti Pawar,
Age : 41 years, Occ. : Agri,
R/o. Ruibhar,
Tq. & Dist. Osmanabad.
6. Abhijit S/o. Ganapati Mane,
Age : 28 years, Occ. : Agri,
R/o. Ruibhar,
Tq. & Dist. Osmanabad.
7. Ranjit S/o. Ganapati Mane,
Age:42 years, Occu: Agri,
R/o. Ruibhar,
Tal & Dist. Osmanabad.
8. Hirabai W/o. Prabhu More,
Age:47 years, Occu: Agri,
R/o. Ruibhar,
Tal & Dist. Osmanabad.
9. Nilbai W/o. Rohidas Wadwale,
Age: 23 years, Occu: Agri,
R/o. Ruibhar,
Tal & Dist. Osmanabad.

... RESPONDENTS

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- Mr. S. B. Choudhari, Advocate for the Petitioners
 - Mr. B. B. Bhise, AGP for Respondent Nos. 1 and 2
 - Mr. A. M. Reddy a/w Mr. Shrikant S. Lomate, Advocate for Respondent No. 5
 - Mr. N. S. Salunke, Advocate for Respondent No. 8
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CORAM : ROHIT W. JOSHI, J.

DATE : JUNE 25, 2025

ORAL JUDGMENT:

1. The present petition impugns order dated 30.08.2021 passed by the Deputy Superintendent of Land Records, Osmanabad in consolidation Appeal/S.R.43A/05/1361/328/L-1-4042. Notice of final disposal came to be issued in the matter vide order dated 10.02.2022. Despite being served with the notice, respondent nos. 3 & 4 have remained absent. The controversy in the present petition pertains to land bearing Gat Nos. 496 and 497 of Village Ruibhar, Tq. & Dist. Osmanabad. Land bearing Gat Nos. 496 and 497 were initially numbered as Survey Nos. 41/1 and 41/2 respectively. Whereas the original area of Survey No. 41/1 was 12 Acres and 35 Gunthas that of Survey No. 41/2 was 12 Acres and 34 Gunthas. These lands were thus almost identical in size.

2. However, during the implementation of consolidation scheme land bearing Survey No. 41/1 was renumbered as Gat No. 496, and its area was recorded as 6.73 HR, which is equivalent to 16 Acres 25 Gunthas. Land bearing Survey No. 41/2 was renumbered as Gat No. 497, and its area was recorded as 3.38 HR, which is equivalent to 9 Acres 4 Gunthas. Thus, there was a huge difference in the area recorded with respect to both these lands after the scheme, although the actual area of both these lands was almost the same.

3. In such circumstances, respondent no. 8, who is owner of Gat No. 497 (previously Survey No. 41/2), filed an appeal before Deputy

Director of Land Records, seeking correction in the area. The appeal came to be allowed by the said appellate authority *inter alia* directing that the areas of both lands be recorded as 5H 21R each. The matter was thereafter carried in a revision before the Hon'ble Minister by the present petitioners. However, while the revision application was pending, the present petitioners i.e. owners of Gat No. 496 and the respondents who are owners of Gat No. 497 arrived at an amicable settlement and agreed that the correct area of Gat No. 496 should be recorded as 5.21 HR and that of Gat No. 497 should be 5.20 HR. The revision came to be disposed of accepting the compromise.

4. In light of aforesaid compromise arrived at and recognized by the revisional authority, which was almost the same as adjudication of appeal by the appellate authority, the parties approached the Deputy Superintendent of Land Records for necessary area correction in the records.

5. The dispute arose after the compromise because although the area of Gat No. 496 was ordered to be reduced from 6.73 HR to 5.21 HR, a portion of land continued to be shown in the name of respondent nos. 3 & 4. After the matter was so compromised before the revisional authority, the parties approached respondent no. 2 for recording entries in the records in terms of the settlement arrived at before the revisional authority. However, vide impugned order dated 30.08.2021, respondent

no. 2 has refused to carry out the entries in terms of the revisional order, directing the parties to avail of appropriate remedy in that regard.

6. As stated above, the order passed by the authority, although is based on compromise, it is none the less an order passed by the statutory authority superior to the respondent no. 2. It must also be mentioned that the appellate authority had directed that areas of Gat Nos. 496 and 497 should be recorded as 5.21 HR each and in terms of compromise arrived at before the revisional authority, only minor modification is done, which is that area of Gat No. 496 should be recorded as 5.21 HR and that of Gat No. 497 should be recorded as 5.20 HR. Respondent No. 2 is bound to record entries in terms of the settlement, which is accepted by the higher authority.

7. The confusion is arising because while the area of Gat No. 496 was wrongly recorded having as area of 6.73 HR, which is equivalent to 16 Acres and 25 Gunthas a partition had taken place inter se between one Vithabai and Limbabai, in which both parties were are shown to have received approximately 8 Acres 12 Gunthas of land, whereas actual area of land that they received under partition should have been around 6 Acres and 17 or 18 Gunthas each. Thereafter, Limbabai after receiving the property in partition, sold the same to respondent nos. 3 & 4. Since the land standing in name of Limbabai was

on record as 8 Acres 13 Gunthas, the same area is recorded in the name of respondent nos. 3 & 4. This error has created a confusion during the implementation of the scheme as revised by the revisional authority. The orders passed by the Deputy Director of Land Records and Hon'ble Minister are binding on respondent no. 2 / Dy. Superintendent of Land Records.

8. In view of the above circumstances, respondent no. 2 is directed to implement the settlement arrived at before the revisional authority and make appropriate entries in the land records, by recording the area of Gat No. 496 as 5.21 HR and that of Gat No. 497 as 5.20 HR. It is further clarified that Vithabai and Limbabai had received equal shares in the partition. Respondent No. 2 shall also take into consideration further sale deeds executed by parties in the light of the fact that the correct total area of Gat No. 496 is 5.21 HR, and not 6.73 HR as recorded earlier.

9. The petition is accordingly **disposed of**, directing respondent no. 2 to carry out appropriate corrections and to record entries & documents in the light of aforesaid. The said exercise be completed on or before 30.11.2025.

10. The civil application, if any, stands **disposed of**.

[ROHIT W. JOSHI, J.]