



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO. 1695 OF 2022
WITH CIVIL APPLICATION NO. 13762 OF 2024

RAMBHAGWAN DATTATRAYA WADGAONKAR
VERSUS
DEPUTY DIRECTOR OF LAND RECORDS AND OTHERS

Mr. R. L. Chhabda, Advocate for the petitioner
Mr. N. D. Raje, AGP for the respondent/State
Mr. P. R. Katneshwarkar, Senior Advocate i/b Mr. A. S. Londhe, Advocate
for respondent Nos. 5 to 11.

CORAM : R. M. JOSHI, J.
DATE : 4th APRIL, 2025

PER COURT :-

1. This petition takes exception to the order dated 27/09/2017 passed by the Deputy Director of Land Record accepting the contention of the contesting respondent with regard to the correction of the consolidation scheme.
2. Petitioner comes before this Court with basic grievance that before the order could be passed, it was absolutely necessary for the concerned the authority to give opportunity of hearing to him, which is denied. In this regard reference is made to the notice issued to the petitioner dated 04/10/2016, which according to the petitioner indicate that order impugned is passed in disregard to principle of *audi alteram partem*.

3. Learned counsel for the petitioner submits that in the notice issued to petitioner, it is mentioned that the measurement and the inquiry has been done on 15/06/2015. This according to him sufficiently demonstrates that the measurement was carried out so also the said inquiry was conducted behind the back of the petitioner. On this count itself contentions he seeks interference in the impugned order.

4. Learned senior counsel for the contesting respondents raises objection to the contention of the petitioner that there is change in the scheme which is finalized. It is his submission that on the basis holdings of land held prior to the coming into force of the scheme in year 1985 continued to be the same. It is his submission that since in the record there was error committed while indicating the land holding by them, correction is sought therein. According to him for effecting such correction there is no inquiry contemplated on such application. It is his further submission that notice was duly issued to the petitioner however, petitioner has failed to submit any reply and as a result of which now it is not open for the petitioner now to make grievance about non getting opportunity of hearing etc.

5. Without going to the issue as to the nature of application, suffice is to say that the order impugned indicates that there was an inquiry conducted so also measurement was done even before notice

could be issued to the petitioner. It demonstrates that the petitioner was neither heard nor given an opportunity even at the time of conducting the actual measurements of lands in question. Perusal of the order indicates that order is passed on the basis of the finding that in the measurement the contesting respondents were found in the possession of particular portion of the land. This fact makes it clear that it is the inquiry and measurement said to be done on 15/06/2015, on the basis of which order impugned is passed. Since the same has been done in absence of the petitioner, order impugned cannot sustain and hence set aside.

6. Parties are therefore relegated back to the Superintendent of Land Record for hearing and decision on the contesting respondents application afresh within a period of six months from today. Parties are directed to appear before the authority on 15th April, 2025. No separate notice be issued to the parties.

7. Petition stands allowed in above terms. Pending civil application, stands disposed of.

(R. M. JOSHI, J.)

ssp