

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.810 OF 2024

Chandarlal Parasram Chhabria

...*Petitioner*

V/s.

Anil Marutrao Nigde and Ors.

...*Respondents*

Mr. S.S. Patwardhan *i/b. Ms. Mrinal A. Shelar for the Petitioner.*

Mr. Sandeep Koregave *for Respondent Nos.2 and 3.*

Ms. V.S. Nimbalkar, *AGP for Respondent Nos.4 to 6.*

CORAM: SANDEEP V. MARNE, J.

DATED: 23 JUNE 2025.

P.C.:

1) Petition challenges order dated 9 August 2023 passed by the Revisional Authority (Additional Chief Secretary and Special Executive Officer-cum-officer on special duty (Appeals and Revision)), Revenue Department, Government of Maharashtra, dismissing the revision application filed by the Petitioner challenging the order dated 30 November 2019 passed by the Deputy Director of Land Records, Pune (**DDL**R).

2) I have heard Mr. Patwardhan, the learned counsel appearing for the Petitioner, Mr. Koregave, the learned counsel

appearing for Respondent Nos.2 and 3 and Ms. Nimbalkar, the learned AGP for Respondent Nos.4 to 6.

3) It appears that the Petitioner initially preferred an appeal before the District Superintendent of Land Records, Sindhudurg (**DSLRL**) seeking correction of area in revenue records in pursuance of proceedings held in the year 1991. Alongwith his appeal Petitioner preferred application for condonation of delay. The DSLRL recorded a finding that since the delay is of 22 years, 3 months and 24 days, it would be inappropriate to condone the same. However, the DSLRL also referred to pending proceedings for correction in Hissa Form No.12 and recorded a finding that since the proceedings in that connection were pending before the DDLRL it would be inappropriate for him to take a decision in the appeal as well as in the application for condonation of delay. The DSLRL however, proceeded to dispose of the proceedings by order dated 26 April 2016. Petitioner understood order dated 26 April 2016 as rejection of his application for condonation of delay and accordingly preferred second appeal before the DDLRL, Pune. In filing of the second appeal there was delay of more than three years. For that Petitioner filed application for condonation thereof. DDLRL has however, refused to condone the delay and has dismissed the revision application. Order passed by the DDLRL has been confirmed by the State Government vide impugned order dated 9 August 2023.

4) Mr. Patwardhan would contend that limited remit of enquiry before the DDLRL was about condonation of delay of three years in filing the second appeal. It is contended that instead of restricting the consideration to condonation of delay of three years, second appellate authority has erroneously gone into the issue of

condonation of delay of 22 years in filing the appeal before the DSLR. While this contention raised by Mr. Patwardhan may have been correct, what is noticed is the fact that Petitioner did not plead even a single reason for condonation of delay of three years in filing second appeal before the DDLR. In absence of any justification being pleaded in the application for condonation of delay, there was absolutely no material before the DDLR to consider the prayer for condonation of even three years delay. It appears that during the course of argument, reason of illness of father since 10 years was raised. However, said reason is not pleaded in the application. Therefore, though this Court does not approve the approach on the part of the DDLR in taking into consideration the delay in filing appeal before the DSLR, no interference is warranted in the impugned order on account of failure on the part of the Petitioner to plead any reason /justification for condonation of delay of three years in filing second appeal before the DDLR. In that view of the matter I am not inclined to exercise jurisdiction under Article 227 of the Constitution of India in the order dated 9 August 2023 passed by the Revisional Authority.

5) Petition is accordingly **dismissed**.

[SANDEEP V. MARNE, J.]