

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

WRIT PETITION NO.13741 OF 2022

Bapu Ramu Jadhav & Anr.

....Petitioners

V/S

The Hon'ble Minister for

Revenue and Forest Department & Ors.

....Respondents

Mr. Mahindra Deshmukh *for the Petitioners.*

Ms. Vaishali Nimbalkar, AGP *for Respondent Nos.1 to 4/State.*

Mr. Pramod G. Kathane a/w Mr. Amol A. Ghurde *for Respondent Nos.5B and 7.*

CORAM: SANDEEP V. MARNE, J.

DATE : 27 JUNE 2025.

P.C.:

1. **Rule.** Rule is made returnable forthwith. With the consent of the parties, the Petition is taken up for final hearing and disposal.

2. Petition is challenging the order dated 11 February 2022 passed by the Hon'ble Minister (Revenue) allowing the Revision Application filed by Respondent Nos.5 to 9 and setting aside the

orders dated 31 July 2003 passed by the Deputy Director of Land Records, Pune, as well as order dated 31 March 2000 passed by the District Superintendent of Land Records, Sangli (**DSLRL**).

3. I have heard Mr. Deshmukh, the learned counsel appearing for Petitioners, Ms. Nimbalkar, learned AGP for Respondent Nos.1 to 4/State and Mr. Kathane, the learned counsel appearing for Respondent Nos.5B and 7.

4. It appears that the Petitioner had filed Appeal before the Superintendent of Land Records, Sangli challenging the order dated 13 February 1985 passed by the Assistant Consolidation Officer. The said Appeal was allowed by DSLR by order dated 31 March 2000 and the concerned Phalni Mutation Entry No.2113 was set aside. Respondent Nos.5 to 9 got aggrieved by the order dated 31 March 2000 passed by the DSLR and filed Appeal before the Deputy Director of Land Records, Pune, (**DDLRL**) which came to be dismissed by order dated 31 July 2003. Aggrieved by the order passed by the DDLR, a Revision was preferred before the State Government, which came to be dismissed by order dated 16 March 2007. 14 years after dismissal of the Revision Application by the State Government, Respondent Nos.5 to 9 were advised to file one more Revision before the Hon'ble Minister challenging the order of DDLR dated 31 July 2003. Curiously Respondent Nos.5 to 9 did not disclose dismissal of their earlier Revision Application by order dated 16

March 2007 nor sought condonation of delay in filing the second Revision before the Hon'ble Minister. Ignoring the fact that there was gross delay in filing the Revision and also ignoring the fact that the earlier Revision was rejected vide order dated 16 March 2007, the Hon'ble Minister has proceeded to allow the Revision filed by Respondent Nos.5 to 9 vide impugned order dated 11 February 2022.

5. Admittedly Respondent Nos.5 to 9 did not file application for condonation of delay in filing their Revision before the Hon'ble Minister. The order was passed by DDLR dated 31 July 2003 where the Revision was filed before the Hon'ble Minister on 5 August 2021. There was thus delay of 18 long years in filing the Revision which was not even sought to be condoned. To make things worse for Respondent Nos.5 to 9, they suppressed filing of earlier Revision and its rejection by order dated 16 March 2007. Therefore the second Revision filed by Respondent Nos.5 to 9 before the Hon'ble Minister after rejection of earlier Revision by order dated 16 March 2007 was clearly not maintainable. The impugned order thus suffers from vice of perversity as the Hon'ble Minister has entertained the Revision ignoring the fact that the earlier Revision filed by Respondent Nos.5 to 9 as rejected by order dated 16 March 2007. The impugned order passed by the Hon'ble Minister is unsustainable and liable to be set aside.

6. The Petition accordingly succeeds, order dated 11 February 2022 passed by the Hon'ble Minister (Revenue) is set aside. Writ Petition is **allowed** in above terms. Rule is made absolute. There shall be no order as to costs.

(SANDEEP V. MARNE, J.)

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