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

WRIT PETITION NO.5297 OF 2023

Gahininath Kundalik Mundhe

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

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Mr. Sujeet Bugade for the petitioner.

Ms. Tanu N Bhatia, AGP for respondent Nos.1 to 4-
State.Mr. Ashok B. Tajane with Mr. Y.G. Thorat for
respondent Nos., 5, 6, 7.1 to 7.3, & 8 to 13.**CORAM : AMIT BORKAR, J.****DATED : MARCH 27, 2025****P.C.:**

1. Challenge in the present writ petition is directed against the order dated 3rd November 2020, passed by the District Superintendent of Land Records, whereby the petitioner's application seeking condonation of delay in filing an appeal came to be rejected. The petitioner, invoking the writ jurisdiction of this Court under Article 227 of the Constitution of India, seeks to assail the legality, propriety and correctness of the said order.

2. Upon perusal of the record and the application seeking condonation of delay, it is the petitioner's case that while implementing the consolidation scheme under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (for short, "the said Act"), an error was committed by the

authorities, resulting in reduction of the petitioner's land holding. The petitioner claims that he became aware of such error much later and consequently preferred an application for correction of the same in the year 2013. It is further the petitioner's case that despite filing such application, the District Inspector of Land Records did not take cognizance thereof, thereby compelling the petitioner to prefer an appeal in the year 2015 against the inaction and the original consolidation scheme.

3. It is an undisputed position on record that the consolidation scheme in question was implemented in the year 1970. Even if the contention of the petitioner is accepted that he filed an application under Section 31A or 32 of the said Act in the year 2013, the fact remains that such application, made more than four decades after the conclusion of the consolidation proceedings, cannot furnish a valid or sufficient cause to seek reopening of the said scheme. The statutory scheme under the said Act contemplates finality and certainty in land holdings post consolidation, and permitting such applications after an inordinate lapse of time would defeat the very purpose of the Act and reopen settled positions to the detriment of public interest and orderly rural land administration.

4. It is well settled that even in the absence of a prescribed period of limitation under the Consolidation of Holdings Act, applications seeking variation or correction of the scheme must be made within a reasonable time. In this regard, reliance may be placed on the judgment of a Division Bench of this Court in *Gulabrao Bhaurao Kakade (Smt.) since deceased by his heirs and legal representatives v. Nivrutti Krishna Bhilare & Ors.*, reported in

2001 (Supp.1) Bom. C.R. 688, wherein the Court has held that although no specific limitation is provided under the Act for making such applications, the same must be instituted within a period that can be construed as reasonable, ordinarily not exceeding three years from the date of cause of action. The Court further observed that stale claims, if entertained after decades, would render the scheme unworkable and unsettle settled holdings.

5. In the present case, the consolidation scheme was implemented in the year 1970. The petitioner claims to have first approached the authority in 2013, and thereafter preferred an appeal in 2015. Both these steps, admittedly, were taken after an inordinate and unexplained delay of more than four decades. The delay being gross and unreasonable, and the explanation offered being vague and insufficient, the Authorities under the said Act were fully justified in declining to condone the delay. The impugned order passed by the District Superintendent of Land Records, therefore, cannot be faulted with. This Court, in exercise of its limited supervisory jurisdiction under Article 227 of the Constitution of India, does not find any manifest illegality, perversity, or arbitrariness in the impugned order warranting interference.

6. In view of the foregoing discussion, the writ petition is devoid of merit and deserves to be dismissed. Accordingly, the writ petition stands dismissed. There shall be no order as to costs.

(AMIT BORKAR, J.)