

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6533 OF 2024

Namdev Baburao Autade & Ors.

....*Petitioners*

*V/s.*

Laxman Shivram Zambare and Ors.

....*Respondents*

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**Mr. Sachin Khandagale**, *for the Petitioners.*

**Mrs. Vaishali Nimbalkar**, *for the Respondents.*

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**CORAM : SANDEEP V. MARNE, J.**

**Date : 20 January 2025.**

**P.C. :**

**1)** The Petitioner is aggrieved by the order dated 8 January 2024 passed by the Deputy Director of Land Records, Pune rejecting the application for grant of stay to the order dated 4 May 2022 passed by the District Superintendent of Land Records.

**2)** It is the submission of Mr. Khandagale, the learned counsel appearing for the Petitioners that the District Superintendent of Land Records has erroneously exercised jurisdiction under the provisions of Section 247 of the Maharashtra Land Revenue Code (**Code**) when infact correction of clerical or arithmetical mistake or power to vary the Consolidation Scheme is permissible either under the provisions of Section 31A or Section 32 of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947. Be that as it may, against the order dated 4 May 2022 passed by the District Superintendent of Land Records in exercise of jurisdiction under Section 247 of the Code, the Petitioners have preferred an Appeal before the Deputy Director of Land Records and in that Appeal

he requested for condonation of delay and grant of stay to the order of District Superintendent of Land Records. The Petitioners' application for stay has been rejected on 8 January 2024 and by now period of more than one year has elapsed.

**3)** Considering the facts and circumstances of the case, I am of the view that the Deputy Director of Land Records can be requested to expedite hearing of the Appeal preferred by the Petitioners, rather than deciding the correctness of the order dated 8 January 2024. If indeed the Petitioners are in a position to demonstrate before the Deputy Director of Land Records that the order passed by the District Superintendent of land Records is wholly without jurisdiction, I do not see any reason why the Deputy Director shall not proceed to set aside the order of the District Superintendent. Though the Deputy Director has recorded the reason of the order of the District Superintendent merely remanding the proceedings, the said observations are *prima-facie* in nature and are made only for deciding Petitioner's prayer for stay of order of the District Superintendent. The said finding would obviously not come in the way of the Petitioner prosecuting the appeal and its decision finally.

**4)** Accordingly, the Deputy Superintendent of Land Records is requested to expedite hearing of CTS Appeal No. 6018/2023 and to make an endeavour to decide the same as expeditiously as possible, preferably within a period of 3 months.

**5)** With the above directions, the Writ Petition is **disposed of**.

**6)** All contentions of respective parties on merits are kept open.

**[SANDEEP V. MARNE, J.]**

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