

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.19067 OF 2024

Ashok Ramchandra Dhaigude

...Petitioner

V/s.

The Principal Secretary, Revenue
Department, Mantralaya, Mumbai
and Ors.

...Respondents

Ms. Mamta Pandey *i/b. Mr. Sushant Prabhune for the
Petitioner.*

Mr. S.D. Rayrikar, *AGP for Respondent-State.*

CORAM : SANDEEP V. MARNE, J.

Dated : 27 January 2025.

P.C. :

1) Petition challenges order dated 12 December 2024 passed by the Principal Secretary to the Government of Maharashtra, Revenue Department, Mantralaya, Mumbai, rejecting the Review Application preferred by the Petitioner seeking review of order dated 17 January 2018.

2) The review application was sought to be filed after delay of 6 long months. Order dated 17 January 2018 was passed in Revision Application filed by the Petitioner and other legal heirs of Ramchandra Krushna Dhaygude and therefore, it cannot be accepted that Petitioner did not acquire knowledge about passing

of order dated 17 January 2018. In fact, it was the duty of the Petitioner to find out progress of the Revision Application. However, application for certified copy of order dated 17 January 2018 appears to have been made on 4 May 2018 and thereafter the Revision Application was filed in June-2018. In my view therefore, no justifiable cause was made out by Petitioner for condonation of delay in filing Review Application. What must be appreciated is the fact that Petitioner applied for review of the order passed by the learned Minister, which is not an ordinary remedy. Therefore, delay in filing Review Application would assume significance. Petitioner was expected to know the outcome of the Review Application filed by him before the learned Minister and cannot adopt a specious plea that they were unaware of the final order dated 17 January 2018. Considering the fact that Petitioner applied for review of the order, delay of 6 long months in filing the Review Application would clearly be fatal.

3) The complaint sought to be raised by the Petitioner about non-grant of opportunity of hearing while deciding Review Application does not cut any ice. Learned Minister has recorded a finding that Petitioner and his Advocate were present on 23 October 2024, 4 November 2024 and 26 November 2024 when hearings were conducted. It therefore cannot be contended that Review Application has been decided in absence of the Petitioner. I am therefore, of the view that no valid ground is made out for interfering in the impugned order passed by the learned Minister.

4) Even otherwise, no case was made out by the Petitioners for review of order dated 17 January 2018. In the Order under review, the learned Minister has recorded a finding of the fact that Petitioners' predecessor-in-title had put his thumb impression about grant of possession of the land in question after implementation of the Consolidation Scheme. Thus, consent of Petitioners' predecessors to the consolidation proceedings is writ large. Belated proceedings sought to be initiated by Petitioner under Section 31-A of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947 otherwise deserved dismissal. No patent error is noticed even in the main order dated 17 January 2018 for this Court to exercise its extraordinary jurisdiction under Article 227 of the Constitution of India. The jurisdiction being supervisory in nature, the same need not be exercised for correcting every error of law or fact in absence of demonstrable case of grave dereliction of duty or flagrant violation of fundamental principles of law and justice.

5) I am therefore not inclined to interfere in the review order dated 12 December 2024 or revisional order dated 17 January 2018. Writ Petition is accordingly rejected.

[SANDEEP V. MARNE, J.]