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

**WRIT PETITION NO.1550 OF 2017
WITH
INTERIM APPLICATION NO.3807 OF 2025**

Deepak Dhirajlal Dave ... Petitioner
V/s.
Ferani Hotels Pvt. Ltd. & Ors. ... Respondents

Mr. Nimesh R. Mehta with Ms. Seema Chettri, Mr. S.R. Mishra and Mr. Mohd. Khalik for the petitioner.

Mr. Girish S. Godbole, Senior Advocate with Ms. Hansa I. Advani for respondent No.1.

Mr. Abhishek Salian i/by Vidhii Partners for respondent No.2.

Mr. S.D. Rayrikar, AGP for respondent Nos.3 to 5-State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 19, 2025

P.C.:

1. The challenge in the present writ petition is directed against the order dated 5th July 2011 passed by respondent No.3, whereby the petitioner's Revision Application No.461 of 2011, arising from proceedings initiated under Section 85 of the Maharashtra Land Revenue Code, 1966 ("MLRC" for short), came to be dismissed.

2. It is not in dispute that the communication of the said order was issued to the petitioner and the concerned respondents by way

of a letter dated 12th July 2011, a copy of which has been annexed to the affidavit-in-reply filed on behalf of respondent No.1. The petitioner, however, has contended on affidavit that he was not made aware of the impugned decision immediately upon its pronouncement and that he came to know of the same at a later stage, prompting him to apply for a certified copy of the *roznama* in the year 2013. It is further asserted that despite his request for a certified copy, respondent No.3 failed to take any action in that regard. In light of these circumstances, the petitioner has urged that the writ petition, though filed belatedly in the year 2017, ought to be entertained on the ground that the delay occasioned was not attributable to him, but rather due to his lack of knowledge regarding the impugned order.

3. The petitioner has attempted to justify the delay in approaching this Court by specifically pleading in paragraph 6 of the writ petition (page 11) that he had received communication dated 24th March 2011 from the office of respondent No.3, intimating that the hearing of the proceedings was scheduled on 2nd April 2011. It is his case that, on the said date, a final match of the Cricket World Cup was to be played, leading to the State Government of Maharashtra declaring a holiday, of which he was duly informed. It was further communicated to him that the next date of hearing would be conveyed in due course. However, according to the petitioner, no subsequent intimation regarding the hearing was received by him for a prolonged period of one and a half years. It was only thereafter that he applied for a certified copy of the *roznama* on 22nd February 2013. Despite such a

request, the petitioner contends that he was not furnished with a copy of the *roznama* at any stage before filing the present writ petition. Apart from this explanation, the petitioner has not provided any further justification for the substantial delay of nearly six years in approaching this Court.

4. In considering whether the delay in filing the writ petition is justifiable, it is a settled principle of law that laches and unexplained delay defeat equity. While the right to seek judicial review under Article 226 of the Constitution of India is a fundamental remedy, it is equally well-established that a litigant who approaches the Court after an inordinate delay must adequately explain such delay and demonstrate sufficient cause to condone it. Mere assertion of lack of knowledge, without cogent supporting material, cannot be a ground to ignore the principle that stale claims should not be entertained, particularly in matters where the statutory orders attain finality over a passage of time. In the present case, though the petitioner claims that he was unaware of the impugned order, he has not placed any material on record to substantiate his assertion that he was prevented from taking timely recourse against the said order. Even assuming that he applied for a certified copy of the *roznama* in 2013, there remains a considerable and unexplained delay of approximately four more years in filing the present petition, which remains unexplained. The explanation offered, being vague and unsupported by concrete evidence, does not appear to constitute a legally sustainable ground for condoning the delay.

5. The Learned Senior Advocate appearing on behalf of respondent No.1 has meticulously invited the attention of this Court to the communication dated 12th July 2011, which forms an integral part of the affidavit-in-reply filed by respondent No.1. The said communication, as evidenced from the record, is an official copy of the letter issued by the office of respondent No.3. Notably, this communication is addressed not only to the petitioner but also to respondent Nos.1 and 2, thereby indicating that due intimation was provided to all concerned parties. Furthermore, the record also reveals that a copy of the order had been duly forwarded to the subordinate authorities functioning under the Act. It is significant to note that despite the explicit assertion made on behalf of respondent No.1 that the petitioner was in receipt of the impugned decision as communicated vide letter dated 12th July 2011, annexed to the affidavit-in-reply, the petitioner has failed to file any rejoinder traversing this assertion. The absence of a rejoinder on the part of the petitioner assumes considerable significance, as it lends credence to the contention advanced by respondent No.1 that the impugned communication was indeed dispatched to and received by the petitioner. It is a well-settled principle of law that if a party elects not to controvert an assertion made in the pleadings of the opposite party, an adverse inference can be drawn against such a party. Therefore, in the absence of any categorical denial by the petitioner, this Court finds no reason to disbelieve the documentary evidence placed on record by respondent No.1.

6. Furthermore, even assuming for the sake of argument that on the scheduled date of hearing, the petitioner received a telephonic intimation from the officials of respondent No.3 stating that, on account of the final match of the Cricket World Cup, the State Government had declared a holiday and that the next date of hearing would be duly communicated, such a circumstance, by itself, cannot absolve the petitioner of its obligation to diligently pursue its case before the competent authority under the Act. It was incumbent upon the petitioner, being an interested litigant, to exhibit reasonable diligence and vigilance by periodically approaching the Authority concerned to ascertain the status of the proceedings, more so when the subject matter of adjudication pertained to rights under Section 85 of the Maharashtra Land Revenue Code, 1966 (MLRC). The law does not countenance a lackadaisical or indolent approach by a litigant who, having initiated proceedings, remains entirely passive for an inordinate period of time without making any reasonable effort to seek information or move the competent authority for necessary relief.

7. This Court finds it wholly unacceptable that for a period of six long years, the petitioner remained oblivious to the outcome of the proceedings, especially when the same pertained to adjudication of rights under the MLRC. A litigant, having initiated proceedings, is not expected to adopt an attitude of complacency and indifference, awaiting communication from the Authority indefinitely. The burden was on the petitioner to demonstrate bona fide efforts on its part to seek redressal, which, in the present case, is conspicuously absent. The explanation tendered by the

petitioner to justify the extraordinary delay of six years in filing the present writ petition is wholly unsatisfactory and does not constitute a valid ground for condoning the laches. It is well-established in law that a party that sleeps over its rights for an unreasonably long duration cannot be permitted to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, as the same would not only be contrary to the settled principles governing writ jurisdiction but would also result in unsettling vested rights of other parties that may have accrued in the interregnum.

8. Chapter V of the Maharashtra Land Revenue Code, 1966 (MLRC) lays down the statutory framework for revenue surveys, conferring upon the State Government the power to divide various parts of the State for the purpose of assessment and collection of land revenue. The said Chapter also empowers the Survey Officers, by issuing a general notice, to undertake surveys of land holdings with the object of facilitating the process of revenue collection. Furthermore, the provisions contained therein, subject to the overriding effect of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, vest in the competent authorities the power to effect division of properties for revenue purposes.

9. A significant provision under this Chapter pertains to the right of a co-holder to seek partition of his share in a holding by making an appropriate application before the Collector. However, the said power is circumscribed by an important caveat—where a dispute regarding title arises, no such partition shall be carried out

unless and until the question of title is adjudicated upon and conclusively determined by a competent civil court in an appropriate civil suit. This statutory safeguard underscores the limited jurisdiction of the revenue authorities, which is confined to matters concerning partition for revenue purposes and does not extend to the determination of ownership or proprietary rights. The Collector, upon hearing the co-holders and upon being satisfied that no dispute as to title subsists, is empowered to divide and apportion the holdings in accordance with the rules framed by the State Government. The role of the Collector in such proceedings is essentially administrative in nature, aimed at facilitating the collection of land revenue and ensuring proper maintenance of land records, without conferring upon him the jurisdiction to determine disputes of ownership or possessory rights inter se among the parties.

10. The scheme of Chapter V of the MLRC is thus primarily and exclusively intended for the limited purpose of division of survey numbers for the collection and assessment of land revenue. The authorities functioning under the MLRC do not possess the requisite jurisdiction to decide questions of title, nor do their orders have the effect of extinguishing or creating any proprietary rights in favor of or against any party. Any decision rendered by the revenue authorities, whether under Section 149 or under Section 85 of the MLRC, must necessarily be understood within the framework of this limited jurisdiction and cannot be construed as determinative of title or ownership. The power conferred upon the revenue authorities is regulatory and administrative in nature and

is exercised with a view to ensuring proper maintenance of revenue records, rather than for adjudicating upon substantive rights in land.

11. In light of this legal position, the present writ petition, which assails proceedings initiated under the provisions of the MLRC, suffers from gross delay and laches, as the petitioner has approached this Court after an inordinate and unexplained delay of six years. The principle of delay and laches is well established in writ jurisprudence, particularly in cases where the rights of third parties may have intervened or where the nature of proceedings does not warrant belated judicial intervention. The discretionary jurisdiction of this Court under Article 226 of the Constitution of India cannot be invoked after such an unreasonable lapse of time, especially when the impugned proceedings before the revenue authorities were of a purely administrative nature, having no bearing on substantive rights of ownership. The petitioner has failed to demonstrate any sufficient cause for condonation of delay, nor has any justifiable reason been put forth to explain the prolonged inaction on the part of the petitioner in asserting its rights before the appropriate forum. Permitting such belated claims would not only be contrary to settled legal principles but would also be prejudicial to the scheme and objectives of the MLRC, which contemplates expeditious disposal of revenue matters.

12. In view of the aforesaid discussion, this Court finds no merit in the present writ petition. The writ petition is, therefore, liable to be dismissed. Accordingly, the writ petition stands dismissed. There shall be no order as to costs.

13. Consequent upon the dismissal of the writ petition, the interim application, having become infructuous, stands disposed of accordingly.

(AMIT BORKAR, J.)