**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**
**NAGPUR BENCH, AT NAGPUR.**

**Writ Petition No. 363 of 2025**

[... t s/o Undru Wadaskar and ors. **..vs..** The Additional Commissioner, Nagpur Division, Nagpur and ors.]

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| Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders | Court's or Judge's orders |
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Mr. R. S. Charpe, Advocate for the petitioners
Ms. K. P. Marpakwar, AGP for the State

**CORAM : ANIL L. PANSARE J.**

**DATED : 28-01-2025**

Heard.

2. The predecessor of the petitioners approached the Tahsildar for deletion of name of predecessor of respondent nos. 4 to 7 viz. Suman. The Tahsildar entertained the request under Section 155 of the Maharashtra Land Revenue Code, 1966 and vide order dated 18-5-2010, allowed the application and thereby directed to delete name of Suman and to record name of predecessor of petitioners viz. Sakhubai. Suman approached respondent no. 3 – Sub Divisional Officer, Rajura by filing appeal against the said order. The respondent no. 3 noted that the mistake, even if occurred, has occurred in the settlement proceedings and, therefore, the Tahsildar had no jurisdiction to correct the same. The respondent no. 3 further observed that in the 7/12 extract of the year 1966-67, the name of one Sadhu Adku Tonge, the father of Suman, is appearing and, therefore, the view taken by Tahsildar that Sadhu Adku Tonge and his legal heirs have no nexus with the agriculture land, that too, after 45-50 years is not proper and is based on incomplete information. Accordingly, the respondent no. 3 took a view that if the mistake has occurred in the settlement and consolidation proceedings, the appropriate authority for

correction of mistake was the competent authority under the provisions of the Consolidation of Holdings Act, 1962.

3. The respondent no. 3 further observed that name of Suman has appeared as occupier subsequent to consolidation proceedings and it continued for 45-50 years and, therefore, Tahsildar ought not to have interfered with the said entry. The respondent no. 3 accordingly, vide order dated 21-9-2015, allowed the appeal and set aside the order passed by the Tahsildar.

4. The petitioners assailed the order unsuccessfully before the Additional Collector, Chandrapur (Respondent no. 2) and thereafter before the Additional Commissioner, Nagpur (Respondent no. 1). Both the respondent nos. 1 and 2 have upheld the findings rendered by respondent no. 3 that Tahsildar had no jurisdiction to entertain the application for correction of name in the revenue record. The appropriate authority for area correction and consolidation is before the officer of land records.

5. Learned counsel for the petitioners submits that Tahsildar had exercised powers under Section 155 of the Maharashtra Land Revenue Code and, therefore, the respondent nos. 1 to 3 have committed obvious error by taking aid of the provisions of Consolidation of Holdings Act, 1962.

6. I do not find substance in the aforesaid argument in as much as the Tahsildar in its order has noted the say of Suman, who submitted that the name of her father Sadhu Adku Tonge was recorded in consolidation proceedings. The Tahsildar further recorded that old Survey Nos. 32 and 10 were re-numbered as Survey No. 18, meaning thereby, that it was within his knowledge that the land under two surveys has been consolidated in one survey and in the said consolidation proceedings, the name of Suman has been recorded. Despite

such fact, he entertained the application, which otherwise was not maintainable before him. His order has been rightly corrected by the respondent no. 3 and maintained by respondent nos. 1 and 2. No interference, therefore, is called for in writ jurisdiction. The petition is dismissed with liberty to the petitioners to approach the appropriate authority for redressal of their grievance.

**(Anil L. Pansare, J.)**

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