



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

Writ Petition No.2290 of 2025

Pandurang s/o Gobra Rathod

vs.

Deputy Director of Land Record, Amravati Division, Amravati and others

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. S.D.Chande, Advocate for the Petitioner.
Mr. S.B. Bissa, A.G.P. for Respondent Nos.1 to 3.*

CORAM : ANIL L. PANSARE, J.
DATE : 28th APRIL, 2025.

Having heard Counsel for the petitioner and having gone through the order impugned, it appears that the petitioner intends to invite adverse order against himself.

02. The petitioner's case is that he is in possession of Gat No.304 in Survey No.97, whereas, the authorities below have found that one Fulsingh Hasu Rathod is in possession of Gat No.304.

03. The argument is that Fulsingh Hasu Rathod is not in possession.

04. In view of such argument, a specific query was made as to, whether by the impugned order, the possession of Fulsingh Hasu Rathod has been certified by the appellate authority, the Counsel for the petitioner, instead of answering the query, submits that the grievance of the petitioner is only to the extent that name of Fulsingh Hasu Rathod is noted as in possession of Gat No.304.

05. To my mind, the petitioner and the Counsel have both completely misread the impugned order. What is said in the impugned order is that on record Fulsingh Hasu Rathod is shown in possession of Gat No.304, whereas in fact someone else is in possession of Gat No.304 (which according to the petitioner is none else than the petitioner). Accordingly,

the first appellate authority rendered a categorical finding that since there is discrepancy about possession as noted in the record and as exists on spot, it is necessary to submit the variation in the settlement in terms of Section 32(1) of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (*hereinafter referred to as "Act of 1947" for short*). Thus, in a way, the first appellate authority has called for revised scheme to correct the scheme settled under Section 31(1) of the provisions of the Act of 1947. In other words, the order impugned does not certify that Fulsingh Hasu Rathod is in possession of Gat No.304 of Survey No.97.

06. That being so, there is no merit in the petition. The petition is dismissed. No costs.

(Anil L. Pansare, J.)

**sandesh*