

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

WRIT PETITION NO. 3118/2025

**Rajendra S/o Dhanraj Boldhane and others Vs. State of
Maharashtra through its Secretary Ministry of Revenue and
Forests and others**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sudhir Malode, Advocate for Petitioners
 Mr. D.V. Chauhan, Government Pleader and Senior Counsel with Mrs. M.S.
 Naik, AGP for Respondent Nos.1 to 6, 17, 19
 Mr. S.D. Chande, Advocate for Respondent Nos.10 and 18

CORAM: ANIL L. PANSARE, J.

DATED : 16th JULY, 2025

1. The petitioners assailed order dated 20.03.2025, passed by the Additional Divisional Commissioner, Nagpur. As such, the petitioners intended to challenge the order dated 23.05.2025, passed by respondent No.4 – Sub-Divisional Officer, Mouda, the prayer to that effect was, however not made because copy of the order was not supplied to the petitioners despite filing application under the provisions of the Right to Information Act, 2005, as also for certified copies. The pleadings to that effect are made in paragraph No. 10 of the petition.

2. The petition was first heard on 19.06.2025 and noticing these averments leave to amend the petition and incorporate challenge to order dated 23.05.2025, passed by the respondent No.4 was granted. On the next date of hearing, it was revealed that the copy of the impugned order was addressed to the petitioners but the same was not

sent to him. The grievance was accordingly made that appeal could not be therefore filed promptly. Thereupon, the learned Assistant Government Pleader was called upon to take instructions, as to why copy of the order was not dispatched at the address of the petitioner No.1.

3. On the next date of hearing, the AGP filed common reply on behalf of respondent Nos.4 to 6. In the reply, the stand taken by the respondents is that all the employees were on strike for the period 26.05.2025 to 06.06.2025 and there was no employee in the Department for making compliance and, therefore, copies of the order were not sent to the parties. Since such stand was taken, the respondents Nos.4 to 6 were directed to place on record the inward and outward registers for the current year.

4. Then appeared for these respondents, the learned Senior Counsel / Government Pleader and reiterated the stand taken in reply that there was strike of employees during the period from 26.05.2025 to 06.06.2025. The only modification was that in reply, the respondents stated that all the employees were on strike, the Government Pleader, however, submitted that Class-III employees, who were responsible for taking necessary steps were on strike.

5. The learned Senior Counsel / Government Pleader submits that nobody including the petitioners have attributed malafides to the officers of these respondents in not forwarding the copy of the order to the parties and, therefore, no further judicial time should be wasted for such matter which has no bearing on the merits of the case.

6. As such, on merits, since the petitioners had alternative efficacious remedy available, they were allowed to approach the appropriate authority under the provisions of the Maharashtra Land Revenue Code, 1966. The petition was however adjourned to examine the dubious stand taken by the respondent Nos.4 to 6 and accordingly, the original inward and outward register of these offices were called. The same are placed on record.

7. The submissions of the learned Senior Counsel / Government Pleader in absence of malafides will have to be considered in the light of the grievance made by the petitioners and stress encountered by them.

8. The copy of the order dated 23.05.2025 was not made available to them, at least till 19.06.2025, that too, despite making application under the provisions of the Right to Information Act, 2005 and for certified copies. Thus not only that the copy of the order was not forwarded to the petitioners, but it was not given to them despite making separate applications.

9. According to the petitioners, on 02.06.2025, the officials attached to the office of the respondent No.5 – Superintendent of Land Records and respondent No.6 – Deputy Superintendent of Land Records, in the presence of the Tahsildar, Kamptee carried out measurement of the land belonging to the petitioners and shown that the petitioners have encroached upon the Government *Pandan*. This has been done without measuring surrounding lands. According to the petitioners they have not encroached upon the

pandan and an incorrect picture is created through measurement.

10. Thereafter, notice dated 13.06.2025 came to be issued to the petitioners to remove the alleged encroachment and on 18.06.2025, another communication was sent stating therein that the alleged encroachment will be removed on 20.06.2025 at 11:00 AM. Accordingly, the petitioners were required to rush to this Court without impugned order in their hands.

11. According to the petitioners, the respondent Nos.4 to 6 and respondent No. 17 have acted at the behest of political leaders and are doing so keeping eye on the Government fund. The necessary pleadings are made in paragraph Nos.14 and 15 of the petition.

12. Thus the petitioners have alleged that these respondents are pursuing the issue of measurement with a hidden agenda and with an eye on Government funds. In that sense, they have alleged malafides at the hands of these respondents, which is relatable to the issue cropped up during the course of hearing because the officials concerned are working under respondent Nos.4 to 6. In any case, there is no reason why these respondents make misleading statements before the Court. As such, learned Senior Counsel / Government Pleader submits that the statements so made are not misleading, however, following comments / observations will substantiate the misleading conduct of these respondents and their officials.

13. As stated earlier, the stand taken by these respondents is that during the period from 26.05.2025 to 06.06.2025,

there was a strike of the employees concerned and, therefore, necessary steps were not taken. In the light of the above, I have seen the impugned order, particularly, the copies addressed therein. The copy of order is addressed to the respondent Nos.5, 6 and the petitioner no.1. It further appears that the copies of the impugned orders were forwarded by respondent No.4 to the respondent No.5 for necessary action and for sending it to the petitioner No.1.

14. Thus it appears, and which is also the submission of the learned Senior Counsel / Government Pleader that the entire record along with the copies of the orders were forwarded by the respondent No.4 to respondent No.5. The outward register of respondent No.4 and inward register of respondent no.5 would substantiate the said status in as much as there is entry in the outward register of respondent No.4 and also in the inward register of respondent No.5. It appears that the respondent No.5 received the proceedings on 23.05.2025. The officials of respondent No.5 then on 28.05.2025 forwarded to respondent No.6 the copy of order and comparative chart with corrected map for further action. It is, however, not known, as there is no entry, as to why copy of the order was not forwarded, to the petitioner No.1. If during strike, the copy of order could be forwarded to respondent No.6, there cannot be any justification in not forwarding copy to petitioner No.1. As such, the prime responsibility was of respondent No.4 to send the copy of order to the petitioner No.1, he however sent it to respondent No.5 for further compliance, who ignored the said part of compliance.

15. At this stage, it will be appropriate to mention that upon enquiry as to how there are entries in the outward register showing dispatch during the period of strike, learned Senior Counsel / Government Pleader submitted that whatever was pending on the table of the concerned Clerk was forwarded.

16. This submission to my mind is yet another misleading statement made by the officials of the respondent No.5. The outward register indicates that on 03.06.2025, amongst various letters, a letter dated 02.06.2025 was received by respondent No.5's office and then forwarded by post to the Deputy Superintendent of Land Records, Kuhi. Similarly, on 04.06.2025, a letter received on 30.05.2025, was forwarded by post to the Indian Survey Department, Pune.

17. These entries show that even after 28.05.2025 correspondences were received by respondent No.5 and forwarded to the concerned officers. Thus the statement made by the learned Senior Counsel / Government Pleader that whatever was pending on the table of the concerned Clerk on 28.05.2025 was dispatched during the strike period is a misleading / incorrect statement. Further and even if a concession is to be given for the period of strike, respondent no.5 has not given any reason why, the impugned order was not sent to the petitioner no.1 post strike i.e. after 06.06.2025.

18. Put together the respondent Nos.4 to 6 have through reply made a misleading statement that because of strike during the period from 26.05.2025 till 06.06.2025, the copy of the order could not be sent to the petitioner no.1. There

is further no explanation coming forth as to why the copy was not sent after 06.06.2025, and despite making applications under the provisions of the Right to Information Act, 2005 and for supplying certified copy. Interestingly, on 02.06.2025 i.e. during the period of strike two officials of respondent No.5 visited the spot for measurement. I have gone through the panchanama dated 02.06.2025. It refers to impugned order dated 23.05.2025. The visit was for implementation of said order.

19. I find it quite perplexing how the officials of Respondent No. 5 purportedly executed the order dated 02.06.2025, notwithstanding the occurrence of a strike by employees within the Department. What is particularly alarming is that the measurements were carried out by Class III employees. Specifically, two officials, namely P.R.. Bahal, the Cadastral Surveyor, and J.N.. Pagote, a Junior Clerk, both classified as Class III employees, are reported to have visited the site and prepared the panchanama.

20. Such actions amount to a false or misleading statement in the affidavits filed by Respondent Nos. 4 to 6. This conduct is highly condemnable and may be deemed contemptuous. Allowing such conduct to go unchallenged risks undermining the principles of good governance, where service to citizens and adherence to lawful procedures are paramount. It is imperative that such attempts be promptly addressed, as timely intervention can prevent further erosion of administrative integrity and uphold the rule of law.

21. Accordingly, the appointing authorities of Respondent Nos. 4 to 6 shall conduct a personal or responsible officer-led inquiry into the matter to ascertain the reasons why a false or misleading statement has been made in the affidavit-in-reply submitted to this Court, and also regarding the failure to furnish a copy of the impugned orders to Petitioner No. 1 in accordance with the provisions of the order itself. Furthermore, the inquiry shall also address the non-compliance despite the petitioner having made an application under the provisions of the Right to Information Act, 2005 and also for seeking a certified copy. Based on the findings of such inquiry, the appointing authority may take appropriate disciplinary or administrative action as deemed fit. Such action may also be undertaken in accordance with the provisions of The Maharashtra Government Servants (Regulation of Transfers and Prevention of Delay in Discharge of Official Duties) Act, 2005, particularly Section 10 thereof.

22. The enquiry shall be completed within six weeks from today. The report of enquiry shall be submitted to this Court towards compliance of the order.

23. The decisions as regards proceedings under the provisions of Contempt of Court Act, 1971 will be taken if required, in due course.

24. The Senior Counsel / Government Pleader may hold a workshop for these officials and such other officials of Vidarbha Region on the subject of "Importance of Good Governance."

25. The petition is disposed of in terms of above.

26. List on board, if compliance report is not filed within stipulated time.

(ANIL L. PANSARE, J.)

MP Deshpande