



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

WRIT PETITION NO. 3496 OF 2025

1. Ali Ashfaq Zainuddin Bombaywala, Aged about 67 years,
Occ: Agriculture and Business, R/o Near State Bank
Chowk, Yavatmal, Tehsil and District Yavatmal.
2. Ali Akbar Zainuddin Bombaywala, Aged about 57 years,
Occ. Agriculture and Business, R/o Near State Bank
Chowk, Yavatmal, Tehsil and District Yavatmal.

PETITIONERS

VERSUS

1. Deputy Director of Land Records,
Amravati Division, Amravati.
2. Superintendent of Land Records, Yavatmal,
Tehsil and District Yavatmal.
3. Dy. Superintendent of Land Records, Tehsil and
District Yavatmal.
4. Usha Chandrashekhar Mor, Aged 68 years, Occ:
Agriculturist, R/o Behind Etios Bank, Civil Lines,
Yavatmal, Tehsil and District Yavatmal.
5. Rajendra Purushottam Agrawal, Aged 64 years,
Occ. Agriculture and Business, R/o Madhuban
Society, Dhamangaon Road, Yavatmal, Tehsil and
District Yavatmal.

RESPONDENTS

Shri S.O. Ahmed, counsel for the petitioners.
Shri H.D. Dube, Assistant Government Pleader for the respondent nos.1 to 3.
Shri S.M. Vaishnav, counsel for the respondent no.4.
None for the respondent no.5, though served.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : DECEMBER 16, 2025

ORAL JUDGMENT

RULE. Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. The petitioners challenge the order dated 25.04.2025 passed by the respondent no.1-Dy.Director of Land Records, Amravati condoning delay in filing appeal challenging the order passed by the District Superintendent of Land Records, Yavatmal.

3. In view of the challenge raised in the petition, the learned counsel for the respondents raised a preliminary objection to the maintainability of the instant petition on the ground of availability of alternate remedy to file appeal before the State Government. By relying upon the position of law as laid down by the Hon'ble Supreme Court in ***Gurudassing Nawoosing Panjwani Versus State of Maharashtra & Others*** [(2016) 2 SCC 213], it is submitted that in view of the provisions of the Maharashtra Land Revenue Code, 1966 (for short, 'the Code'), the second revision application against the order passed by the Revenue Authorities is maintainable and on the basis of this judgment it was contended that the petition needs to be dismissed on account of availability of an alternate remedy.

4. To refute the contentions about availability of an alternate remedy, the learned counsel for the petitioners submitted that the revisional proceedings under Section 257 of the Code cannot be considered to be an alternate much less efficacious remedy and by relying on the judgment of this Court in ***Abdul Shahid Versus Abdul Rab & Others*** [Writ Petition No.5478 of 2016], it is pointed out that in identical fact situation, this Court had entertained similar such writ petition and urged this Court for entertaining the petition despite availability of an alternate remedy.

5. Having regard to the position of law discussed in the said judgment, which is decided in identical fact situation, the instant petition is taken up for hearing at the stage of admission on merits.

6. While assailing the order dated 25.04.2025, the learned counsel for the petitioners submitted that the respondent no.1 has mechanically condoned the delay without considering the crucial aspect that the application for condonation of delay filed by the respondent no.4 did not disclose any sufficient cause, neither precise extent of delay. He submitted that the respondent no.1 passed the order without mentioning elaborate reasons. He also submitted that the order impugned before the respondent no.1 was an order of remand passed by the District Superintendent of Land Records which was sought to be challenged by the respondent no.4 without any legal basis and thus the appeal filed by the respondent no.4 was itself unsustainable in law.

7. As against this, the learned Assistant Government Pleader for the respondent nos.1 to 3 and the learned counsel for the respondent no.4 vehemently opposed the petition and submitted that the application for condonation of delay filed by the respondent no.4 precisely under Section 251 of the Code mentioned pertinent reasons for the delay. Shri S.M. Vaishnav, learned counsel for the respondent no.4 adverted my attention to the reasons mentioned in the application and submitted that the impugned order is passed by precisely considering the genuineness of these reasons and the same therefore does not need any interference.

8. While considering the controversy, it has to be seen that the respondent no.4 has filed a specific application seeking condonation of delay. The application mentions reasons about filing of a review application with respect to the proceedings which were under challenge on account of

which the final order dated 11.10.2022 was not immediately subjected to challenge. The details of time consumed in obtaining the certified copy are also mentioned in support of demonstrating sufficient cause for delay. In the wake of these reasons, the order passed by the respondent no.1 condoning the delay does not at all appear to be arbitrary or unreasonable. The respondent no.1 has recorded reasons while condoning the delay and no perversity is seen with the approach adopted by the respondent no.1. It is trite law that while considering the application for condonation of delay, the Courts and Authorities have to adopt liberal approach by ignoring the technicalities. The insistence of submission of explanation about each days delay would have been a pedantic approach in view of the peculiar facts of the instant case. As such, the impugned order does not warrant interference on any count.

9. Having regard to the above mentioned factual and legal aspects, no interference is warranted with the impugned order under Article 227 of the Constitution of India. The writ petition is dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)