



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 7036 OF 2024

BABAN MURLIDHAR CHAVHAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 7007 OF 2024

SUBHASH MURLIDHAR CHAVHAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 7019 OF 2024

WAHED AMIN MOMIN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 7954 OF 2024

BHAGWAN NARSU GANDHALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 7002 OF 2024

SHAINBEGAM WAHED MOMIN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 7003 OF 2024

BAJIRAO BABURAO NARWADE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Mr. Sharad S. Solanke, Advocate for the Petitioner in all matters

Mrs. B. B. Gunjal, AGP for Respondent Nos.1 to 5 in all matters

Mr. B. V. Thombre, Advocate for Respondent No.6 in all matters

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 01.04.2026

PER COURT :-

. The petitioners are aggrieved by the recording of their respective Mutation Entries in respect of Gat No. 288-A situated at village Patrud, Taluka Majalgaon, District Beed. The details of the respective Writ Petitions and mutation entries are as follows :

WP. No.	Mutation Entry No.	Date	Date of Impugned Order
7036 OF 2024	9143/418	17.01.2014	17.08.2023
7007 OF 2024	5155	12.09.1998	
7019 OF 2024	6800	01.01.2008	
7954 OF 2024	5040	25.08.1997	
7002 OF 2024	7151	25.03.2010	
7003 OF 2024	4876	03.06.1996	

2. Respondent No. 6 preferred an appeal under Section 247 of the Maharashtra Land Revenue Code, 1966 before the Sub-Divisional Officer, Majalgaon (hereinafter referred to as “the SDO”). The said appeal was filed with a delay of eight years, five months, and five days. An application seeking condonation of delay was also filed by respondent No. 6. By the impugned order dated 17.08.2023, the SDO allowed the said application for condonation of delay. Being aggrieved thereby, the petitioner has approached this Court.

3. I have heard the learned counsel for the parties and the learned AGP. I have also perused the impugned order. Except for the observation in paragraph No.6 of the impugned order, wherein the authority has stated that the delay deserves to be condoned to afford full opportunity of hearing to the applicant, there is no discussion regarding “sufficient cause” as required to be shown for condonation of such an inordinate delay.

4. Mr. S. S. Solanke, learned counsel for the petitioners submits that it was incumbent upon respondent No.6 to demonstrate that the delay was neither deliberate nor intentional, and that there existed sufficient cause justifying the delay. He submits that respondent No.6 failed to furnish any such explanation and the SDO also failed to record findings in that regard. He further submits that the authority has instead touched upon the merits of the matter which is impermissible at the stage of deciding an application for condonation of delay, in view of the law laid down by the Hon'ble Supreme Court in various judgments.

5. Mr. B. V. Thombre, learned counsel for respondent No. 6, could not point out anything beyond the record. Mr. Thombre and Mrs. Gunjal, learned AGP, relied upon the observations recorded by the SDO in paragraph No. 6 and submitted that no interference is warranted.

6. Upon a query put to the learned counsel for the respective parties, it was informed that despite the stay granted by this Court, the authority proceeded to decide the main appeal. Subsequently, upon the petitioner bringing the stay order to the notice of the authority, the said order was recalled and the matter was restored.

7. Upon consideration, I find that the SDO has failed to record any reasons as to how the applicant established sufficient cause for condonation of such a long delay. Though it is true that disputes should ordinarily be decided on merits, the requirement of recording satisfaction regarding sufficient cause cannot be dispensed with.

8. In the circumstances, it would be appropriate to remand the matter to the SDO for fresh consideration of the delay condonation application.

9. Hence, I pass following order :

ORDER

- a. The Writ Petitions are allowed.
- b. The impugned order dated 17.08.2023 passed by respondent No.5 – the Sub Divisional Officer, Majalgaon is quashed and set aside.
- c. The matter is relegated back to the Sub Divisional Officer, Majalgaon for rehearing and for passing an appropriate order on the application for condonation of delay, with adequate reasons.
- d. Parties shall appear before the Sub Divisional Officer, Majalgaon on 15.04.2026.
- e. The Sub-Divisional Officer shall decide the delay condonation application on its own merits without being influenced by any observations made in this order.
- f. The writ petition is disposed of.

[AJIT B. KADETHANKAR, J.]