



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 WRIT PETITION NO. 10706 OF 2024

ASARAM RAMBHAU WADE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY AND
OTHERS

...

Mr. Hrishikesh V. Tungar, Advocate for the Petitioners

Mrs. M. L. Sangit, AGP for Respondent No.1/State

Mr. A. R. Hange, Advocate for Respondent Nos.2 to 5

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 26.03.2026

PER COURT :-

. The proceedings under Section 257 of the Maharashtra Land Revenue Code were filed by present Respondent Nos. 2 to 5 before the State Government, challenging the order dated 16.12.2016 passed by the District Superintendent of Land Records, Beed. The said proceedings were filed after a delay of about four years and, therefore, an application for condonation of delay was also filed. However, by order dated 23.08.2024, the Principal Chief Secretary to the State of Maharashtra, instead of deciding the application for condonation of delay, disposed of the entire proceedings by giving certain observations on merits and relegating the parties to the authorities under the Maharashtra Prevention of Fragmentation and Consolidation Act, 1947.

2. Mr. H. V. Tungar, learned counsel for the petitioner, submits that the only proceeding before the authority was the application for condonation of delay and that, without granting an opportunity of hearing to the parties and without deciding the said application, the authority was not justified in passing the impugned order.

3. Mrs. M. L. Sangit, learned AG, as well as Mr. Hange, learned counsel for Respondent No. 2 fairly submit that the application before the State authority was only for condonation of delay.

4. In view of the above, I deem it appropriate to quash and set aside the impugned order and relegate the matter back to the State authority for deciding the application for condonation of delay. Further proceedings shall depend upon the outcome of the said application, which shall be decided by the State authority.

5. In view of this, I pass following order :

ORDER

- a. The writ petition is allowed.
- b. The impugned order dated 23.08.24 passed by respondent No.1 – State of Maharashtra through Principal Secretary is hereby quashed and set aside.
- c. The matter is remitted back to the State Government. The said authority shall issue notice to the parties, fix a date of hearing on the application for condonation of delay and thereafter pass an appropriate order in accordance with law.
- d. The writ petition is disposed of accordingly.
- e. It is made clear that this Court has not observed anything on the merits of the matter and all contentions of the parties are kept open.

[AJIT B. KADETHANKAR, J.]