



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 73 OF 2026

Bapurao Gyanba Bhadke Died
Dilip Bapurao Bhadke

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. Pradeep Vikramrao Tapse Patil, Advocate for the Petitioner.
- Ms. Neha B. Kamble, AGP for Respondent – State.

CORAM : SMT. VIBHA KANKANWADI AND
RAJNISH R. VYAS, JJ.

DATE : FEBRUARY 16, 2026

P. C. :

1. Heard, learned advocate appearing for the petitioner.
2. Ms. Kamble, learned AGP, waives notice for respondent Nos.1 to7. No necessity to issue notice to other respondents.
3. The petitioner has come with a case that his father, Bapurao Gyanba Bhadke, was the owner and possessor of land Gut No.101 situated at village Morwad, Tq. Renapur, District Latur. His name appears in the 8A extract of the revenue record. He was also shown to be the owner of land Gut No.99 from the same village.

4. According to the petitioner, the petitioner had purchased the land Gut No.99 admeasuring 33-R and land Gut No.101 admeasuring 50-R situated from the said village, for a consideration of ₹ 3,40,000/- on 26th May 2014 by a sale deed. Now, the learned advocate for the petitioner submits that it is, in fact, the respondent, who showed that the respondent purchased the said property, and there is a typographical mistake.

5. However, we are considering the pleadings from paragraph Nos.3 and 4, wherein there is a reference of sale deed dated 26th May 2014, and it is stated that the said land is purchased through the said sale deed by the petitioner. Even the copy of the sale deed has been annexed at Exhibit “B”, wherein the Lihun Ghenar is said to be Dilip Baburao Bhadke, who is the petitioner before us.

4. According to the petitioner, his father expired; however, the date of the death of the father of the petitioner has not been mentioned, and it is then stated that the petitioner’s father was the tenant of the said land. According to the petitioner, therefore, there was no question of any encroachment, sale or transfer by any person; still by way of the mutation entry and fabricated documents, and also by forged signatures, respondent Nos.8 and 9 have created the revenue

record.

5. Now, the petitioner comes with the case that there is an encroachment in the said land; however, he could not take action within the period of limitation, and therefore, he made a representation to the respondent authorities for condonation of delay and permission to file civil suit.

6. Now, by way of this writ petition, the petitioner prays that respondent Nos.2 to 7 be directed to decide the representation of the petitioner dated 22nd December 2025 in respect of the encroachment made by respondent Nos.8 to 9(c) on the petitioner's land Gut No.101 admeasuring 2 Hectar 43-R situated at village Morwad, Tq. Renapur, District Latur.

7. We find this to be a classic case where even the petitioner is not aware as to what his case is. Merely because some representation is made to the public authorities and the public authorities not taking action on the same, this Court does not get jurisdiction under Article 226 of the Constitution of India to direct the said public authorities to exercise its jurisdiction. Each case will have to be examined.

8. A perusal of the representation would show that it is as vague as possible. It does not state as to who exactly made the encroachment and when. If the petitioner is of the opinion that it is his land, or that it is the land of his father and that, after the death of his father, he has inherited the same, then he himself has to take action for removal of encroachment by filing a suit.

9. Now, it appears, in view of the representation, that the petitioner had himself decided that there was a delay in approaching the court of law. Here, we clarify the position that Section 5 of the Limitation Act is not applicable to the suits and, therefore, even the Civil Courts do not have jurisdiction to condone the delay in filing a suit. The question of approaching the revenue authorities to get that delay condoned for approaching the Civil Court to file a suit will not arise at all. Therefore, the said representation itself is misconceived, against the legal provisions, and therefore, we do not find this to be a fit case where we should exercise our powers under Article 226 of the Constitution of India.

10. The writ petition stands dismissed.

(RAJNISH R. VYAS, J.)

(SMT. VIBHA KANKANWADI, J.)