

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1619 OF 2025

Jogindra Ramsundar Singh alias Sharma and others ... Petitioners
Vs.
State of Maharashtra thr. Minister of Revenue & others... Respondents

WITH
WRIT PETITION NO.599 OF 2025

Devishankar Ramusundar Singh @ Sharma ... Petitioner
Vs.
Bholanath Matabadal @ Nanhaku Sharma and others ... Respondents

Mr. Raghavendra Mehrotra a/w. Mr. Irfan Shaikh and Mr. M. Shaikh i/b. Lawkhart Legal for Petitioners in WP/1619/2025.

Ms. Asha Kanzariya i/b. Mr. Vijay Upadhyay for Petitioner in WP/599/2025.

Mr. S. D. Rayarikar, AGP for Respondent Nos.1 to 4 in WP/1619/2025 and for Respondent Nos.2 to 4, 13 and 14 in WP/599/2025.

Mr. Shailesh Kumar Rai for Respondent No.10 in WP/1619/2025 and for Respondent No.1 in WP/599/2025.

CORAM : MANISH PITALE, J.

DATE : JUNE 25, 2025

P.C. :

1. Heard learned counsel for the parties.

2. The petitioners in these two writ petitions are aggrieved by order dated 14.10.2024 passed by the revisional authority i.e. respondent No.1 in Writ Petition No.1619 of 2025 and respondent No.13 in Writ Petition No.599 of 2025. By the impugned order, the revision application has been allowed, the orders passed by the authorities below have been set aside and the respondent - District Superintendent of Land Records is directed to consider the appeal on merits.

3. The impugned order in both the writ petitions is same as there are

two groups of aggrieved persons, who have moved these writ petitions.

4. Although submissions were made on behalf of the petitioners and the contesting respondent - Bholanath Sharma, with regard to the correctness or otherwise of the series of orders passed by the authorities below, this Court is inclined to dispose of these writ petitions on a short issue that arises from the impugned order itself.

5. It is specifically contended on behalf of the petitioners that in the present case, there was a delay of about 39 years on the part of the said contesting respondent to raise grievance before the Deputy Superintendent of Land Records.

6. A perusal of the impugned order shows that the revisional authority was conscious of this specific objection with regard to delay raised on behalf of the petitioners and while considering the revision application filed by the said contesting respondent, the revisional authority did advert to the said aspect of delay.

7. Having heard the learned counsel for the rival parties, this Court finds that the said revisional authority, while allowing the revision application, has observed that delay deserves to be condoned, for the reason that it would be better for the disputes between the parties to be decided on merits. A perusal of the impugned order nowhere shows satisfaction of the revisional authority as regards sufficiency of reasons demonstrated by the said contesting respondent on the aspect of alleged delay in approaching the Deputy Superintendent of Land Records. The revisional authority was expected to consider sufficiency of grounds and upon satisfaction that such grounds were made out, an order on the question of condoning the delay could have been passed. Merely because the revisional authority thought it fit that the disputes between the parties should be decided on merits, in itself, cannot be a ground for

condoning the delay. It is settled law that the merits of the matter cannot be even looked at when the question of condoning delay arises before a court of authority.

8. Therefore, there is a glaring error in the impugned order passed by the revisional authority in proceeding to condone the delay without even examining as to whether sufficient cause was made out for condoning delay. On this short ground, the impugned order deserves to be set aside and the revision application ought to be considered afresh by the revisional authority i.e. respondent No.1 in Writ Petition No.1619 of 2025 and respondent No.13 in Writ Petition No.599 of 2025, in the light of the observations made hereinabove.

9. In view of the above, the petitions are allowed. The impugned order dated 14.10.2024 passed by the revisional authority i.e. respondent No.1 in Writ Petition No.1619 of 2025 and respondent No.13 in Writ Petition No.599 of 2025 is set aside. The matter is remanded to the said revisional authority for consideration afresh in the light of the observations made hereinabove on the principles to be applied while considering the question of condonation of delay.

10. The revisional authority is expected to decide the matter expeditiously and in any case, on or before 30.08.2025.

11. The parties are directed to appear before the revisional authority i.e. respondent No.1 in Writ Petition No.1619 of 2025 and respondent No.13 in Writ Petition No.599 of 2025 on 01.07.2025 at 3:00 p.m.

12. It is made clear that this Court has not made any observations on the merits of the matter.

(MANISH PITALE, J.)