Sayali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9470 OF 2014
WITH
INTERIM APPLICATION NO.9811 OF 2024

Kishan Nathu Ghutiya … Petitioner

V/s.

The Administrator Union Territory of Daman and Diu and Dadara And Nagar Haveli an Other … Respondents

Mr. Bhavesh Parmar with Devmani Shukla with Ms. Reshman Nair and Rajesh Sahani i/b Mr. Vijayprakash Yadav, for Petitioner.

Mr. Girish R. Agrawal, with Ms. Chitra Darekar. for Respondent Nos. 5 to 9 .

Mr. Sanjay Jain i/b Mr. Harsh Dedhia, for Respondent Nos. 1 to 3.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 12, 2026

P.C.:

1. The present petition assails the judgment and orders passed by the revenue authorities under the provisions of the Dadra and Nagar Haveli Land Reforms Regulation, 1971. The challenge arises from proceedings undertaken under the said Regulation. The facts giving rise to the present petition are set out herein below.

2. In or about the year 2008, the petitioner instituted Regular Civil Suit No. 4 of 2008 before the Civil Judge at Dadra and Nagar Haveli. During the course of those proceedings, the petitioner was informed of certain alleged illegalities and irregularities in relation to Mutation Entry No. 560. Consequent thereto, on 11 May 2008, the petitioner preferred Revenue Appeal No. 6 of 2008 before the competent revenue authority challenging the said mutation entry. The proceedings ultimately travelled up to this Court, where liberty was granted to the petitioner to initiate appropriate proceedings, with a direction that the same be decided on their own merits. Pursuant to such liberty, the petitioner filed Revenue Appeal No. 4 of 2011 on 14 December 2011. The Appellate Authority dismissed the said appeal. Aggrieved thereby, the petitioner preferred Revision Application No. 4 of 2013. The said revision came to be rejected by order dated 30 August 2014. The present petition is directed against the aforesaid order.

3. Learned counsel for the petitioner submitted that the appeal before the Appellate Authority was confined strictly to Mutation Entry No. 560. According to him, the order of the Land Revenue Officer granting land in favour of the respondents was never the subject matter of challenge in the appeal. It was contended that, in the absence of any specific challenge to the allotment order, the Appellate Authority exceeded its jurisdiction in recording findings that the allotment in favour of the respondents was valid. It was further submitted that revenue authorities do not possess jurisdiction to adjudicate disputed questions of title.

4. On that basis, it was urged that the findings recorded by the revenue authorities on the question of title are without jurisdiction and therefore unsustainable in law. It was pointed out that even the Resident Deputy Collector, in his order, recorded that the appeal was directed against Mutation Entry No. 560. In such circumstances, it was contended that the authority could not have rendered findings touching upon title. The petitioner therefore seeks quashing and setting aside of the impugned orders.

5. In opposition, learned counsel appearing for respondent nos. 5 to 9 and for respondent nos. 1 to 3 supported the impugned orders. They submitted that the lands in question were originally held jointly by Manji Dhakal Gutiya and Ratan Dhakal Gutiya on the date when the Regulation came into force, namely 1 May 1974. Both were in possession and cultivating the land as tenants. In terms of Section 21 of the Dadra and Nagar Haveli Land Reforms Regulation, 1971, they filed claims under Rule 10 of the relevant Rules seeking grant of occupancy rights. Their statements were recorded in the prescribed form by the competent authority, and each was granted a half share in respect of the land jointly held by them.

6. It was further submitted that, upon verification of the revenue records, consequential mutations were effected in accordance with the allotment order. The respondents contended that the petitioner had in fact challenged the order of the Land Revenue Officer, as is evident from the appeal memorandum. Particular reliance was placed on paragraph 3 thereof, which contains assertions disputing the transfer of land in favour of Manji and Ratan. Even assuming that certain annexures are ignored, the averments in paragraph 3 clearly indicate that the petitioner questioned the allotment in favour of the predecessors of respondent nos. 5 to 9. It was further urged that the allotment order was passed in the year 1976, whereas the first challenge was mounted only in 2008. A mere plea of absence of knowledge, without substantiating sufficient cause for condonation of delay, would not suffice. It was also submitted that an appeal under the Regulation lies against an allotment order and not against a mutation entry.

7. On these premises, it was contended that the authority under the Regulation rightly examined the issue of ownership and correctly held that the predecessors of respondent nos. 5 to 9 became owners of the land by virtue of the allotment order passed in 1976. The respondents accordingly prayed for dismissal of the petition.

8. Two legal issues arise for decision. First, whether the revenue authorities exceeded jurisdiction by recording findings on title when the appeal purportedly challenged only a mutation entry. Second, whether the petitioner's delay bars equitable relief or otherwise precludes relief in law.

9. On the first issue, the Court must look at what was actually pleaded and what relief was truly sought in the appeal. Jurisdiction is not decided by the title of the proceeding alone. It is decided by the substance of the grievance. If an appellant states that he is challenging a mutation entry, but in the body of the appeal he questions how and why the land came to be transferred in the first place, then the controversy cannot be restricted to a mere clerical correction in the revenue record.

10. The Appellate Authority under the Regulation is competent to examine the the legality of actions that led to those entries. Once the appeal raises questions touching the legality of the transfer in favour of particular persons, the authority is well within its powers to examine whether those persons acquired rights lawfully. Deciding the legal consequences of an allotment that has already resulted in mutation does not amount to assuming jurisdiction where none exists. It is part of deciding the real dispute brought before it.

11. Turning to the present record, paragraph 3 of the appeal memorandum assumes significance. It does not merely say that Mutation Entry No. 560 was wrongly recorded. It goes further. It refers to the transfer of land in the names of Manji and Ratan and questions the basis of that transfer. These are not stray or casual statements. They strike at the root of how the land changed hands. Once such assertions are made, the allotment order cannot remain outside the scope of scrutiny. The petitioner cannot now contend that the authority ought to have ignored these pleadings and confined itself to the form of the entry. The appeal, read as a whole, shows that the petitioner intended to dispute the very conferment of rights in favour of the predecessors of respondent nos. 5 to 9. In that view of the matter, the Appellate Authority addressed the grievance as presented. The fact that the Resident Deputy Collector recorded that the appeal was against Mutation Entry No. 560 does not alter the position. A brief description in an order cannot override the contents of the appeal memorandum. The true scope of adjudication must be gathered from the pleadings. When the pleadings raise broader factual and legal issues, the authority is entitled to decide them. It cannot be said that the authority travelled beyond its jurisdiction merely because it examined the allotment which directly resulted in the mutation under challenge.

12. On the second issue, the timeline speaks for itself. The allotment order was passed in 1976. The first formal challenge appears only in 2008. This is not a matter of a few months or a marginal delay. It is a gap of more than thirty years. Law does not ignore delay of this magnitude. When a person approaches a Court or statutory authority after such a long interval, the burden lies heavily upon him to explain why he remained silent for decades.

13. The principle behind limitation is that the rights in land cannot remain uncertain forever. If orders passed under a statute are allowed to be reopened after several decades without adequate explanation, no title will ever attain finality. That is why the law insists on showing sufficient cause when delay is sought to be condoned.

14. In the present case, the petitioner has taken a general plea of lack of knowledge. That plea remains unsubstantiated. There is no material to indicate when and how the petitioner first came to know of the allotment. There is no explanation as to why the allotment, which resulted in changes in revenue records, could not have been discovered earlier with reasonable diligence. Revenue records are public documents. They are not secret proceedings conducted behind closed doors. If a party claims interest in land, ordinary prudence demands periodic verification of the status of that land.

15. The respondents, on the other hand, have placed material to show that after the allotment order of 1976, necessary verification was undertaken and the revenue entries were modified accordingly. Those entries remained on record for decades. During this period, no objection was raised. Such long acquiescence cannot be brushed aside lightly. Courts must consider the impact on settled rights and the prejudice that reopening of old matters may cause.

16. Titles recorded in revenue documents influence transactions, possession, and enjoyment of property. If challenges are entertained after decades without strict scrutiny of delay, it would disturb certainty in land administration. The law therefore leans in favour of finality where parties have slept over their rights.

17. When the issue of delay is considered alongside the contents of the appeal memorandum, the position becomes clear. The petitioner did not merely raise a technical objection to a mutation entry. He questioned the transfer of rights itself. Yet he did so after more than three decades. In the absence of a convincing explanation, the Appellate Authority was justified in refusing to unsettle what had long stood recorded.

18. The conclusion reached by the Appellate Authority, namely that the predecessors of respondent nos. 5 to 9 acquired ownership by virtue of the 1976 allotment, finds support in the record and in law. The authority examined the relevant material, considered the nature of the allotment, and addressed the objections raised. It cannot be said that it acted beyond its jurisdiction or ignored mandatory principles.

19. In these circumstances, no ground is made out for interference. The petitioner has failed to demonstrate either procedural illegality or substantive error that would warrant setting aside the concurrent findings of the revenue authorities.

20. For these reasons the petition lacks merit. The petition is dismissed. No case is made out for interference with the orders of the Appellate Authority or the order dated 30 August 2014. Parties will bear their own costs.

(AMIT BORKAR, J.)