

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6941 OF 2025

Vitthoba alias Vitthal Nathu Thethe & Ors. .. Petitioners

Versus

Bhaurao Raghunath Korde & Ors. .. Respondents

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- Mr. Sachin Padaye, Advocate for Petitioners
- Mr. Sanjay P. Shinde, Advocate for Respondent Nos 1 to 4
- Mr. O.A. Chandurkar, Addl. GP a/w Ms. V.S. Nimbalkar, AGP for Respondent Nos. 5 & 6

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 3, 2026

P. C.:

1. Heard Mr. Padaye, learned Advocate for Petitioners; Mr. Shinde, learned Advocate for Respondent Nos. 1 to 4 and Mr. Chandurkar, learned Addl. GP for Respondent Nos. 5 & 6.

2. Present Writ Petition assails and impugns the decision dated 10.10.2024 passed by Dy. Director Land Records, Nashik (for short "DDLR") in Consolidation Application No. 1774/2022. By virtue of the said Application, Petitioners for the first time after a lapse of 54 years desired to maintain a challenge to the Consolidation Scheme which was intimated and certified in the year 1969 whereby the original Survey No. 38/4A was renumbered as Gat No. 180 and original Survey No. 38/4B was renumbered as Gat No. 181.

3. Whenever Consolidation Scheme under the Maharashtra Prevention of Fragmentation And Consolidation of Holdings Act, 1947 (for short "*the Act*") is implemented, it follows the due process of law by virtue of which the original lands are consolidated together by the State into a common pool thereby relinquishing the substantive rights of the parties and pursuant to fragmentation thereafter new Survey numbers / Gat numbers are allotted. By virtue of the said Scheme, if there is any aberration found therein there is a window of 30 days available under the extant provisions for correction of errors. Present Petition is filed after a lapse of 54 years on the frivolous ground that there is a clerical error in the Consolidation Scheme which was not known to the Petitioners earlier. The grounds on which the Application has been rejected by the DDLR are *prima facie* sustainable grounds in law. Said decision also records the fact that pursuant to implementation and certification of the Consolidation Scheme, parties have created third party rights by registered documents. In that view of the matter, disputed question of facts which having been raised by Petitioners cannot be gone into by this Court for the first time in its writ jurisdiction. If Petitioners are aggrieved with their holdings on the basis of Petitioners entitlement or the entitlement of their predecessor-in-title, they are free to take out appropriate proceedings in the Civil Court, lead appropriate evidence on the basis of cogent

evidence and seek entitlement to any additional area to which may be entitled to in accordance with law. Disputed question of facts cannot be decided in Writ proceedings summarily. Keeping all contentions of Petitioners as available to them open in law, Petition stands dismissed.

4. If Petitioners file appropriate proceedings, the same shall be decided strictly on its own merits in accordance with law without being influenced by any of the orders passed by the *quasi-judicial* Authorities.

5. Impugned order is upheld.

6. Petition is disposed in the above terms.

[MILIND N. JADHAV, J.]

Amberkar

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