



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1048 OF 2025

Deelip Sadashiv Denge, Age-65 years, Occ-Retired and
Agriculturist, R/o Veltur, Tq. Kuhi, District Nagpur.

PETITIONER

VERSUS

1. Divisional Commissioner, Nagpur, Old Secretariat
Building, Civil Lines, Nagpur.
2. Sub-Divisional Officer, Umred, Tq. Umred, Dist. Nagpur.
3. The Tahsildar, Kuhi, Tq. Kuhi, District Nagpur.
4. Deputy Superintendent of Land Records, Tq. Kuhi,
District Nagpur.

RESPONDENTS

Shri A.R. Patil, counsel for the petitioner.
Ms P.T. Joshi, Assistant Government Pleader for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : JANUARY 19, 2026

ORAL JUDGMENT

RULE. Rule is made returnable forthwith and heard finally with
consent of the learned counsel for the parties.

2. The petitioner challenges the order dated 06.08.2024 passed by the
respondent no.1-Divisional Commissioner, Nagpur rejecting the
application for condonation of delay in filing the appeal under Section 247
of the Maharashtra Land Revenue Code, 1966 (for short, 'the Code').

3. The controversy arises out of an order passed by the Sub-Divisional Officer refusing to correct the measurement of the agricultural land owned by the petitioner bearing Survey no.49(old), which are 40, 41 and 42 (new), Patwari Halka no.62, Mouza Bandarchuva, Taluka Mouda, District Nagpur. The petitioner had filed an appeal against the said order under Section 247 of the Code before the respondent no.1 which was accompanied with an application for condonation of delay. The said application came to be rejected by order dated 06.08.2024 which is subjected to challenge by way of instant petition.

4. The learned counsel for the petitioner submitted that the impugned order is passed by ignoring the sufficient cause demonstrated by the petitioner and further the respondent no.1 has observed that the appeal itself was meritless and therefore rejected the application for condonation of delay. He also submitted that the respondent no.1 has recorded an opinion that the petitioner ought to have filed a civil suit for claiming the relief. He therefore submitted that the petitioner is deprived from contesting the appeal despite the fact that the sufficient cause was shown for condonation of delay.

5. The learned Assistant Government Pleader for the respondents supported the impugned orders and submitted that the appeal itself was devoid of merits and deserved to be dismissed. She submitted that the application for condonation of delay was not supported by any documentary evidence and as such, supported the impugned order.

6. While considering the controversy involved, it has to be seen that the petitioner has specifically mentioned in the application for condonation of delay that after the order dated 28.04.2023 was passed by the Sub-Divisional Officer, the petitioner was continuously pursuing the cause with the Government officials from the month of April to December-2023. Although a specific appeal was not filed, the cause was diligently agitated by the petitioner. It is also stated in the application that some time was consumed in the process of collecting the documents for filing the appeal and the delay caused in filing the appeal was unintentional.

7. A perusal of the impugned order shows that the respondent no.1 has observed that the petitioner has failed to place on record any document to show that he was pursuing the matter before the Officials of the Department and further that the appeal was devoid of any merits. It has to be seen that there was no inordinate and intentional delay which was sought to be condoned. Further, the petitioner is a rustic villager and the reasons stated for explaining the delay caused in filing the appeal about pursuing the grievance before the Officials of the Department appear to be *bona fide*. It appears that the respondent no.1 has considered the appeal itself on merits and mainly on that count refused to entertain the proceedings and rejected the application for condonation of delay. The impugned order therefore does not appear to be sustainable in law and needs interference. Further, it is desirable that the appeal filed by the petitioner is decided on merits and the petitioner cannot be non-suited by adopting a pedantic approach.

8. Having regard to the factual and legal aspects of the matter, I am of the firm opinion that the application for condonation of delay eserved to be allowed. Hence, the following order is passed.

- I. The writ petition is allowed.
 - II. The impugned order dated 06.08.2024 passed by the respondent no.1-Divisional Commissioner, Nagpur is quashed and set aside. The application filed by the petitioner for condonation of delay in filing the appeal under Section 247 of the Maharashtra Land Revenue Code, 1966 is allowed.
9. Rule is made absolute in aforesaid terms with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)