



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 7267 OF 2024

PETITIONER

: Pralhad S/o Tukaram Shinde,
Aged about 62 years, Occu. Agriculturist,
R/o Village Asoli, Post Goul,
Tah. Pusad, Dist. Yavatmal

VERSUS

RESPONDENTS

- : 1. State of Maharashtra,
through its Secretary,
Ministry of Revenue and Forest,
Mantralaya, Mumbai – 400 032
2. The Settlement Commissioner and Director,
Land Record, Pune.
3. The Deputy Director of Land Record,
Nagpur Division, Civil Lines, Nagpur.
4. The Deputy Director of Land Record,
Amravati Division, Amravati
Tah. & Dist. Amravati.
5. District Superintendent of Land Record,
Yavatmal, Tah. & Dist. Yavatmal.
6. Deputy Superintendent of Land Records,
Pusad, Tah. Pusad, Dist. Yavatmal.
7. Kondba S/o Natthuji Devhare,
Aged Major, Occu. Agriculturist,
8. Gajanan S/o Balaji Devhare,
Aged Major, Occu. Agriculturist,
9. Jayaji S/o Kondba Devhare,
Aged Major, Occu. Agriculturist,
10. Smt. Nirmala W/o Balaji Devhare,
Aged Major, Occu. Agriculturist,

Nos. 7 to 10 R/o Village – Asoli, Post- Goud,
Tah. Pusad, Dist. Yavatmal.

Mr. Abhilas Shriwas, Advocate for the petitioner
Mr. C. A. Lokhande, A.G.P. for respondent nos.1 to 6
Mr. A. S. Deshpande, Advocate for respondent nos. 7 to 10.

CORAM : M. W. CHANDWANI, J.
DATE : FEBRUARY 13, 2026

ORAL JUDGMENT:

1. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsels appearing for the parties.
2. The challenge in this petition is to the order dated 03.03.2022 passed by respondent no.3 – Deputy Director of Land Records, Nagpur Division, Nagpur in case no. Consolidation/ Amravati Divn/ Yavatmal/C.R.-2483/Objection Application/2020, thereby rejecting the objection raised by the petitioner.
3. The contention is that the powers for correction/ variation in the consolidation scheme cannot be exercised after inordinate delay.
4. The petitioner had purchased a portion of the land

bearing Gat No. 116, situated at village Asoli, admeasuring 1.26 HR vide registered Sale Deed dated 04.03.1983 i.e. prior to consolidation of the land under the consolidation scheme. The scheme for consolidation of land bearing Gat Nos.116 and 121 situated at village Asoli was implemented in the year 1984 in which the petitioner was shown as the owner of land bearing Gat No. 116, admeasuring 1.26 HR and the said land was being cultivated by him.

5. After about more than 33 years of the finalization of the consolidation scheme i.e. in the year 2017, respondent nos. 7 and 8 applied for correction in the consolidation scheme of land bearing Gat Nos. 116 and 121 on the ground that the areas of the lands were not properly mentioned. Thereafter, on 09.08.2021, the petitioner received a notice from respondent no.6 under Form-IX as per Rule 29 of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Rules, 1959 (for short “the Rules of 1959”).

6. The petitioner on 09.09.2021 filed an objection before respondent no. 6 thereby objecting the proposal for correction in

the areas of land bearing Gat Nos. 116 and 121 on the ground of inordinate delay. Thereafter, respondent no.2 delegated the said matter to respondent no.3 for final adjudication. By the impugned order dated 03.03.2022 the objection raised by the petitioner has been rejected and the consolidation scheme of Gat Nos.116 and 121 came to be varied.

7. Learned counsel for the petitioner has placed reliance upon the Division Bench decision of this Court in the case of *Gulabrao Bhaurao Kakade since deceased by LRs and others vs. Nivrutti Krishna Bhilare and others*, reported at *2001 (4) Mh.L.J. 31*, wherein it has been held that the power under Section 32(1) of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (for short “the Act of 1947”) by the Settlement Commissioner for varying the consolidation scheme can be exercised within a reasonable period and ordinarily shall not be exercised after three years of finalization of the scheme under Section 22 of the Act of 1947. In that case, the scheme was finalized in the year 1973 whereas, the proceeding for variation was initiated in the year 1988. The Court refused to vary the scheme holding that, the scheme which was finalized in 1973

can not be varied by initiating the proceedings in the year 1988. The said decision has been followed in the case of ***Suresh Bapu Sankanna and others vs. State of Maharashtra and others***, reported at ***2018 (4) Mh.L.J. 331***.

8. The learned counsel for respondent nos. 7 to 10 does not dispute the position of law. However, he submits that the petitioner is not affected by the scheme. According to him, therefore, the petitioner has no *locus* to file this petition. To buttress his submission, he relied upon the decision in the case of ***Jasbhai Motibhai Desai vs. Roshan Kumar, Haji Bashir Ahmed and other***, reported at ***AIR 1976 SC 578***, wherein the Supreme Court has observed thus :

“36. It will be seen that in the context of locus standi to apply for a writ of certiorari, an applicant may ordinarily fall in any of these categories: (i) person aggrieved; (ii) stranger; (iii) busybody or meddlesome interloper. Persons in the last category are easily distinguishable from those coming under the first two categories. Such persons interfere in things which do not concern them. They masquerade as crusaders for justice. They pretend to act in the name of Pro Bono Publico, though they have no interest of the public or even of their own to protect. They indulge in past-time of meddling with the judicial process either by force of habit or from improper motives. Often, they are actuated by a

desire to win notoriety or cheap popularity ; while the ulterior intent of some applicants in this category, may be no more than spoking the wheels of administration. The High Court should do well to reject the applications of such busybodies at the threshold.

37. The distinction between the first and second categories of applicants, though real, is not always well-demarcated. The first category has, as it were, two concentric zones : a solid central zone of certainty, and a grey outer circle of lessening certainty in a sliding centrifugal scale, with an outermost nebulous fringe of uncertainty. Applicants falling within the central zone are those whose legal rights have been infringed. Such applicants undoubtedly stand in the category of "persons aggrieved". In the grey outer-circle the bounds which separate the first category from the second, intermix, interfuse and overlap increasingly in a centrifugal direction. All persons in this outerzone may not be "persons aggrieved".

38. To distinguish such applicants from 'strangers', among them, some broad tests may be deduced from the conspectus made above. These tests are not absolute and ultimate. Their efficacy varies according to the circumstances of the case, including the statutory context in which the matter falls to be considered. These are: Whether the applicant is a person whose legal right has been infringed ? Has he suffered a legal wrong or injury, in the sense, that his interest, recognised by law, has been prejudicially and directly affected by the act or omission of the authority, complained of ? Is he a person who has suffered as legal grievance, a person "against whom a decision has been pronounced which has wrongfully

deprived him of something or wrongfully refused him something, or wrongfully affected his title to something ? Has he a special and substantial grievance of his own beyond some grievance or inconvenience suffered by him in common with the rest of the public ? Was he entitled to object and be heard by the authority before it took the impugned action ? If so, was he prejudicially affected in the exercise of that right by the act of usurpation of jurisdiction on the part of the authority ? Is the statute, in the context of which the scope of the words "person aggrieved" is being considered, a social welfare measure designed to lay down ethical or professional standards of conduct for the community? or is it a statute dealing with private rights of particular individuals ?

9. It appears that consolidation scheme of land bearing Gat Nos.116 and 121 was finalized in the year 1984 and has been sought to be varied almost after 33 years when the application was filed by respondent nos.7 and 8. In the present case, perusal of point no.4 of the impugned order reveals that the petitioner was cultivating entire land admeasuring 1.26 HR and now after variation he has been deprived of 0.92 HR land. Therefore, there is no force in the argument of the learned counsel for respondent nos.7 to 10 that the petitioner has not been affected by the scheme.

10. Having found that the settlement scheme has been varied by initiating the proceedings almost after 33 years of its finalization, the order passed by respondent no.3 does not stand. The same is required to be quashed and set aside.

11. Accordingly, the writ petition is allowed.

12. The impugned order dated 03.03.2022 passed by respondent no.3 – Deputy Director of Land Records, Nagpur Division, Nagpur in case no. Consolidation/Amravati Divn/Yavatmal/C.R.-2483/Objection Application/2020 is quashed and set aside.

13. Rule is made absolute. The writ petition stands disposed of. No order as to cost.

(M.W.Chandwani,J.)

Diwale