



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5386 OF 2019

Pliben Sukarbhai Patel & Ors.

....Petitioners

V/S

Maherunisha Gulambhai & Anr.

....Respondents

Mr. Mayuresh S. Lagu with Mr. Sagar Patil *for the Petitioners.*
Dr. Sanjay Jain with Mr. Harsh Dedhia *for Respondent No.2.*

CORAM : SANDEEP V. MARNE, J.
DATE : 30 JANUARY 2026.

P.C.:

1. The Petition challenges order dated 9 October 2018 passed by the Administrator, Union Territory of Dadra and Nagar Haveli dismissing the Revision preferred by the Petitioners and upholding the order dated 14 October 2014 passed by the Resident Deputy Collector.

2. I have heard Mr. Lagu, the learned counsel appearing for the Petitioner and Dr. Jain, the learned counsel appearing for the Respondent No.2. I have gone through the impugned order and have perused records of the case filed alongwith the Petition.

3. It appears that occupancy rights in respect of agricultural land at Survey No.891 admeasuring 0.60 Ares of village Amli were granted in the name of Shri Vestabhai Diwalbhai Patel by order dated 30 April 1997. Out of that land, Ms. Maherunisha Gulambhai Qureshi (Respondent No.1) purchased the land admeasuring about 300 square

meters without seeking prior approval. It appears that the Administrator issued show-cause notice to Ms. Qureshi under Section 4(6) of Dadra and Nagar Haveli Land Reforms Regulation, 1971 and ordered forfeiture of land admeasuring 48.24 square meters. The said order was challenged in Appeal No.49 of 1987 and the Administrator modified the said order and regularized land admeasuring 48.24 square meters in the name of Ms. Qureshi.

4. Ms. Qureshi filed Application dated 14 September 1989 before Collector pleading that she actually possessed land admeasuring 300 square meters and accordingly requested for regularization of balance land admeasuring 251.76 square meters as well. The Application dated 14 September 1989 was heard by Resident Deputy Collector possibly in absence of Ms. Qureshi and order dated 24 April 1995 was passed directing that even the balance land admeasuring 251.17 square meters was liable for forfeiture and accordingly the Resident Deputy Collector forfeited even balance land of 251.48 square meters vide order dated 24 April 1995.

5. Aggrieved by order dated 24 April 1995, Petitioners, who are the heirs of Shri Vestabhai Diwalbhai Patel preferred Revision before the Administrator in the year 2003. The Administrator condoned the delay in filing the Revision and passed order dated 13 September 2005 remanding the proceedings before Resident Deputy Collector for being adjudicated afresh.

6. Though the Resident Deputy Collector was supposed to decide the remanded proceedings within two months, he took nine long years

in deciding the remanded proceedings and rejected the same by passing following cryptic order:

“Application of the appellant has been examined in light of existing Rules and Regulation in force. The appeal was filed after lapse of 7 years. There is no application for Condonation of delay. Therefore, the revision is time barred and hence, request has been considered and rejected.”

7. In my view, apart from the fact that the order dated 14 October 2014 is cryptic, the same suffers from gross non-application of mind and the findings recorded therein are perverse. The Resident Deputy Collector treated Application dated 14 September 1989 as an Appeal/Revision and held that the same was filed after lapse of seven years. It appears that the Resident Deputy Collector confused himself by considering the delay in filing Revision by the Petitioners before the Administrator ignoring the position that the said delay was already condoned by the Administrator. Furthermore, the Resident Deputy Collector treats the proceeding as Appeal at some place and Revision at another place. He did not even bother to understand the exact nature of proceedings before him. The original proceedings emanated out of Application dated 14 September 1989 preferred by Ms. Qureshi. The order passed thereon by Resident Deputy Collector on 24 April 1995 was set aside by the Administrator and the said Application was remanded for fresh inquiry. Instead of deciding that Application on merits, the Resident Deputy Collector committed egregious error in treating the same as Appeal/Revision and in assuming that there was delay of seven years in preferring the same.

8. In my view therefore, the order passed by the Resident Deputy Collector of 14 October 2024 suffered from gross non-application of

mind and perversity. Instead of correcting the order passed by the Resident Deputy Collector, the Administrator has upheld the finding of delay in the impugned order dated 9 October 2018.

9. Considering the manner in which the proceedings are decided by the Resident Deputy Collector and by the Administrator, it clearly appears that both the Authorities have not even applied their mind to the facts of the case. Both the orders are thus indefensible and are liable to be set aside.

10. Petition accordingly succeeds. Order dated 14 October 2014 passed by the Resident Deputy Collector as well as order dated 9 October 2018 passed by the Administrator are set aside. Proceedings are remanded before the Resident Deputy Collector, who shall proceed to decide the same afresh after grant of an opportunity of hearing to the Petitioners.

11. With the above directions, the Writ Petition is partly **allowed and disposed of**. There shall be no order as to costs.

(SANDEEP V. MARNE, J.)

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KATKAM
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