HIGH COURT OF JUDICATURE AT BOMBAY

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

WRIT PETITION NO. 1827/2019

Indermal S/o Muktilal Sharma,
Aged about 65 years, Occ. Business,
R/o. Krishna Cottage, Khamgaon Road,
Shegaon, Tq. Shegaon, Dist. Buldana

.... **PETITIONER**

// **VERSUS** //

1] State of Maharashtra,
Through its Secretary,
Ministry of Revenue & Forest,
Mantralaya, Mumbai 32

2] Additional Commissioner,
Amravati Division, Amravati

3] Additional Collector,
Buldana

4] Sub Divisional Officer,
Khamgaon, Dist. Buldana

5] Deputy Director of Land Records,
Shegaon, Tq. Shegaon, Dist. Buldana

6] Talathi, Civil Lines, Shegaon 2,
Tq. Shegaon, Dist. Buldana

7] Pandurang S/o Purushottam Patil,
Aged Major, Occ. Business,
R/o. Shegaon, Hanuman Mandir,
Near Civil Lines, Tq. Shegaon,
Dist. Buldana

.... RESPONDENT(S)

Shri A.S. Shukla, Adv h/f Shri R.L. Khapre, Adv for the petitioner
Ms. Geeta Tiwari, AGP for the respondent/State
Shri P.S. Kshirsagar, Advocate for the respondent no. 7

::: Uploaded on - 22/07/2019 ::: Downloaded on - 27/05/2026 08:23:17 :::

HIGH COURT OF JUDICATURE AT BOMBAY

CORAM : Z.A.HAQ, J.
DATED : 12/07/2019

ORAL JUDGMENT :

1] Heard.

2] **RULE**. Rule made returnable forthwith.

3] The order passed by the Sub-Divisional Officer on 31/03/2010 in the proceedings under the Maharashtra Land Revenue Code was challenged by the petitioner before the Collector by filing appeal on 24/03/2011. As there was delay of about 15 days in filing the appeal, the petitioner had filed an application praying for condonation of delay. This application was dismissed by the impugned order and consequently, the appeal was also rejected. Being aggrieved in the matter, the petitioner had approached the Divisional Commissioner in revision which is also dismissed by the impugned order. The learned Divisional Commissioner has made certain observations on merits of the matter also, recording that the entries in the revenue records were mutated without following the prescribed procedure.

4] The learned advocate for the petitioner has rightly submitted that the Additional Commissioner has mis-directed himself by dismissing the

::: Uploaded on - 22/07/2019 ::: Downloaded on - 27/05/2026 08:23:17 :::

HIGH COURT OF JUDICATURE AT BOMBAY

revision filed by the petitioner recording adverse findings against the petitioner on merits. In my view, the learned Additional Commissioner should have restricted his considerations on the point of condonation of delay only and should not have got swayed by the arguments made on behalf of the respondents on merits.

5] The petitioner has pointed out that the delay has occurred due to unfortunate death of his wife which fact is not controverted by the respondents.

Considering the facts of the case, I find that the impugned orders are unsustainable and have to be set aside.

6] Hence, the following order is passed:-

a) The impugned orders passed by Additional Commissioner and Additional Collector are set aside.

b) The delay in filing of appeal before Additional Collector is condoned.

c) The matter is remitted to the Additional Collector for deciding the appeal on merits.

::: Uploaded on - 22/07/2019 ::: Downloaded on - 27/05/2026 08:23:17 :::

HIGH COURT OF JUDICATURE AT BOMBAY

Rule is made absolute in the above terms. In the circumstances, the parties to bear their own costs.

The petitioner and the respondents shall appear before the Additional Collector, Buldana on 20/08/2019 at 11:00 am.

JUDGE

Ansari

::: Uploaded on - 22/07/2019 ::: Downloaded on - 27/05/2026 08:23:17 :::