

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 11359 OF 2024

Anil Anna Markad Petitioner

Versus

Baba Dada Markad and Ors. Respondents

Mr. N. V. Gaikwad a/w Adv. D. Bhosale, Advocate for the Petitioner.
Mr. J. P. Patil, AGP, for the State.

CORAM : R. M. JOSHI, J.

DATE : 20th AUGUST, 2024.

P.C. :

1. Heard.
2. Learned counsel for the Petitioner submits that the District Superintendent of Land Record, Pune by order dated 8th June, 2023 has practically permitted reopening of the consolidation scheme which was implemented in the year 1971 – 1972. According to him, order passed by said authority practically permits reopening of the consolidation scheme, after lapse of 45 years. It is his submissions that the said authority has failed to take into consideration, the judgments of this Court as well as Hon'ble Supreme Court wherein the reasonable period for challenge to the scheme is held to be three

years. It is his submission that though in ignorance of the law laid down by this Court such order is passed, in appeal the Deputy Director of Land Record has refused to grant stay to the said order.

3. Having regard to the nature of order passed by the District Superintendent of Land Record, *prima facie* this Court finds substance in the contention of the counsel for the Petitioner that the said order may amount to reopening of the consolidation scheme after more than 45 years. The second Appellate Authority has failed to take into considerations this aspect and has refused to stay the said order passed by the Deputy Superintendent of Land Record. The Petitioner therefore has made out the *prima facie* case for stay of the said order dated 8th June, 2023 passed by the District Superintendent of Land Record. Hence, till next date of hearing this order shall stand stayed.

4. Issue notice to the Respondents, returnable on 11th September, 2024. In addition to the usual mode of service, private service is allowed.

5. Learned AGP waives service on behalf of the Respondent Nos.36 to 38.

(R. M. JOSHI, J.)