



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 367 OF 2019

Sow. Mandabai w/o Chandrakant Suryawanshi  
and others

....Petitioners

**VERSUS**

The District Superintendent of Land Record, Latur,  
and others

....Respondents

.....

Mr. P.P. More, Advocate for petitioners  
Mr. S.A. Ambad, Advocate for R.No.3 to 7

.....

**CORAM : SIDDHESHWAR S. THOMBRE, J.**

**DATE : 8th MAY, 2026**

**ORDER:**

1. Heard learned counsel for the respective parties.
2. It is brought to my notice that, in the present petition, the order dated 12/11/2018, passed by the District Superintendent, Land Records, Latur in Appeal No.Astha-2/Appeal/SR8/18 is assailed, whereby the application for condonation of delay in filing the appeal came to be allowed.



3. Learned counsel for respondents No.3 to 7 raises a preliminary objection by pointing out that against the order passed by the District Superintendent, Land Record, the petitioners are having remedy of filing appeal under Section 247 of the Maharashtra Land Revenue Code, 1966 (for short the Code of 1966).

4. Mr. More, learned counsel for the petitioners submits that, in fact the order passed by the District Superintendent, Land Records is without jurisdiction under the Code of 1966 and the District Superintendent, Land Records does not have power to entertain the application filed by the respondents No.3 to 7. Therefore, once the order is passed without jurisdiction, the said order is non est in the eyes of law, therefore, the question of filing appeal under Section 247 of the Code does not arise.

5. Having considered the rival submissions advanced by the learned counsel for both the parties, the District Superintendent, Land Records does not have any power to decide the issue which is involved in the present petition. In fact, if any application is filed before the Superintendent, Land Record, the Superintendent, Land



Record is required to get the record and conduct enquiry and forward the same to the Deputy Director, Land Records for passing necessary orders. In this case, the District Superintendent of Land Records himself has condoned the delay and passed the order. Therefore, as the learned counsel for respondents No.3 to 7 has not pointed out any powers vested with the District Superintendent, Land Records.

6. The Hon'ble Apex Court, in case of **Whirlpool Corporation Vs. Registrar of Trade marks & ors. (1998) 8 SCC 1**, held that, if the authority exercising the powers does not have jurisdiction to entertain the same, as well as if there was violation of principles of natural justice, this Court can certainly interfere with the order passed by the authority who passed the order without jurisdiction.

7. Therefore, in such situation, there is no bar to entertain the petition even if there is alternate remedy available. In view thereof, I am inclined to allow this Writ Petition.

8. In the result, the Writ Petition is allowed. The order dated 12/11/2018, passed by the District Superintendent, Land



Records, Latur in Appeal No.Astha-2/Appeal/SR8/18 is hereby quashed and set aside. The parties to appear before the Superintendent, Land Records, Latur, who shall, after considering the objection by both the sides, to forward the proposal to the Deputy Director of Land Records, Aurangabad. The Deputy Director, Land Records, Aurangabad to hear both the parties and pass an appropriate order in accordance with law.

**(SIDDHESHWAR S. THOMBRE, J.)**

fmp/-