



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 WRIT PETITION NO. 4314 OF 2018

PRAYAGBAI BAPURAO KSHIRSAGAR DIED LRS BHAGURAM
BAPURAO KSHIRSAGAR AND ANOTHER
VERSUS
SAHEBRAO KASHINATH KSHIRSAGAR AND OTHERS

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Mr. Hamzakhan I. Pathan, Advocate for the Petitioners.
Mr. R. B. Dhaware, AGP for Respondent-State.
Ms. Priyanka R. Deshpande, Advocate for Respondent Nos.2 and 4.
Mr. Tulshidas J. Poul, Advocate for Respondent No.8-a is **Absent**.
Mr. Pradeep V. Ambade, Advocate for Respondent Nos.5-a to 5-f.
Mr. B. R. Deshpande, Advocate for Respondent No.10(a).

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 5th MAY, 2026

P.C.:-

1. Heard learned Advocates for the respective parties.
2. By the present petition, the Petitioners are aggrieved by the order dated 18.02.2014 passed by the learned Deputy Director of Land Records, Aurangabad in Appeal No.584/2003, whereby the appeal filed by Respondent Nos.1 to 4 came to be allowed.
3. Learned Advocate for the Petitioners submits that the proceedings were initially instituted in the year 2003. It is contended that thereafter, there was no effective progress in the matter for a considerable period of about ten years. Though notices were served and some Advocates had entered appearance on behalf of Respondent

Nos. 1 to 4, the Petitioners were not aware of the subsequent proceedings which were revived around the year 2013. It is, therefore, submitted that the Petitioners were not granted an effective opportunity of hearing before passing of the impugned order and hence, the matter deserves to be remanded.

4. Per contra, Ms. Priyanka R. Deshpande, learned Advocate for Respondent Nos. 2 and 4, submits that the dispute involves a civil issue, which has already been adjudicated by the Civil Court in favour of Respondent Nos. 2 and 4. The suit filed by the Petitioners in respect of Gat No.279 has been dismissed. Both sides fairly state that the Civil Court judgment pertains specifically to Gat No.279. It is further submitted that the proceedings before the Deputy Director of Land Records, Aurangabad pertain to Gat Nos.137, 255, 242 and 247, which includes Gat No.279. In view of the Civil Court decision, it is urged that the findings concerning Gat No.279 ought not to be disturbed.

5. Having considered the submissions, it is evident that in respect of Gat No.279, the issue has already attained finality by virtue of the Civil Court judgment. Hence, no interference is warranted to that extent.

6. However, insofar as the remaining portion of the land (excluding Gat No.279) is concerned, it appears that the Petitioners

were not afforded an opportunity of hearing after the proceedings were revived in 2013. On this ground, the impugned order, to that limited extent, deserves to be quashed and set aside. Accordingly, the matter is remanded to the Deputy Director of Land Records, Aurangabad for fresh adjudication.

7. The Petitioners shall appear before the Deputy Director of Land Records, Aurangabad on 11.06.2026 at 03:00 p.m. No separate notice shall be required to be issued to them.

8. Needless to state that if the authority finds that any other interested persons are required to be heard, it shall issue appropriate notices to all concerned and decide the matter in accordance with law after granting an opportunity of hearing.

9. The Deputy Director of Land Records, Aurangabad shall endeavour to decide the proceedings expeditiously and preferably within a period of six months from the date of appearance of the parties.

10. The petition stands disposed of in the above terms.

11. All contentions of the parties are kept open.

(SIDDHESHWAR S. THOMBRE, J.)