



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14715 OF 2019

Shankar Hiraji Darade
(Since deceased through his legal heirs)

1. Annasaheb Shankar Darade
Age : 46 years, Occu : Agri.,
R/o : Village Hanuman Takali
Tq. Pathardi, Dist. : Ahmednagar
Presently, R/o : Village Vanjarwadi
Tq. : Newasa, Dist. : Ahmednagar
2. Chandrabhaga Shankar Darade
Age : 66 years, Occu : Household,
R / o : As above
3. Bahusaheb Shankar Darade
Age : 48 years, Occu : Agri.,
R/o : As above
4. Vashali @ Bhimabai Vittal Bade
Age : 40 years, Occu : Household,
R/o : Village Ganeshwadi
Tq. : Nevasa, Dist. Ahmednagar
5. Suman Arun Avhad
Age : 37 years, Occu : Household,
R/ o : Sandeshnagar, Ahmednagar
Tq. and Dist. Ahmednagar
6. Anjali Sunil Avhad
Age : 37 years, Occu : Household,
R/o : Agri. University, Rahuri
Tq. Rahuri, Dist. Ahmednagar

.. Petitioners

Versus

1-A The State of Maharashtra
Through G.P. High Court of Bombay
Bench at Aurangabad

1. Narayan Tukaram Dagadkhair
Age : Major, Occu. Agril.,
R/o : Village Hanuman Takali,
Tq. Pathardi, Dist. Ahmednagar

2. The Add. Divisional Commissioner
Nashik Division, Nashik
3. The Add. District Collector,
Ahmednagar
4. Sub – Divisional Officer,
Ahmednagar
5. The Tahsildar, Pathardi
Tq. Pathardi, Dist. Ahmednagar .. Respondents

...
 Advocate for petitioner : Mr. Shrimant Mundhe
 Advocate for respondent no. 1 : Mr. S.W. Munde h/f. Mr. A.P. Raka
 AGP for respondent no. 1A, 2 to 5 : Mrs. D.S. Jape
 ...

CORAM : SIDDHESHWAR S. THOMBRE, J.

RESERVED ON : 19 JANUARY 2026

PRONOUNCED ON : 23 JANUARY 2026

JUDGMENT :

Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, heard finally at the stage of admission.

2. Heard learned counsel for the parties.

3. By way of this petition, the petitioners are assailing the order dated 18.06.2019 passed by the learned Minister, order dated 12.07.2018 passed by learned Additional Divisional Commissioner, the order dated 10.12.2012 passed by the Additional Collector, Ahmednagar and order dated 08.06.2011 passed by the Tahsildar, Pathardi.

4. It is the contention of the petitioner- deceased Shankar Hiraji Darade purchased the land survey no. 51/4 admeasuring 83 R from respondent no.1 by registered sale deed No. 216/1983 on

12.12.1983. In pursuance of which mutation entry no. 1965 was taken and the name of the petitioner – Shankar Hiraji Darade was recorded in the revenue record. Defendant no. 1, after 29 years on 03.03.2011, filed an application before Tahsildar, Pathardi for correction of mutation entry no. 1965, by stating that he had sold only 30R land to petitioner – deceased Shankar Hiraji Darade but wrongly, the name of petitioner-deceased Shankar Darade was recorded on 83 R land.

5. Learned counsel for the petitioner submits that the learned Tahsildar, Pathardi without hearing the petitioner, without following due process of law and without condoning the delay of 29 years, allowed the correction of mutation entry no. 1965, thereby mutating 23 R land in the name of the respondent no. 1, 30R land in the name of the Government and remaining 30R land in the name of the petitioner – deceased Shankar Hiraji Darade. The said order was assailed by filing appeal before the Sub Divisional Officer, who allowed the appeal and set aside the order passed by the Tahsildar.

6. Being aggrieved by the same, appeal was filed before the Additional Collector, who allowed the appeal and confirmed the order of the Tahsildar. Being aggrieved, appeal was filed before the Additional Commissioner, who also confirmed the order of the Tahsildar. Being aggrieved by the orders passed by the Tahsildar, Additional Collector, Additional Commissioner, petitioners preferred revision before the learned Minister under section 257 of the Maharashtra Land Revenue Code, 1966 who confirmed the order passed by the Additional Commissioner, thereby confirming the order passed by Tahsildar.

7. Heard learned counsel for the respective parties.

8. Mr. Munde submits that the Tahsildar does not have power under section 155 of the Maharashtra Land Revenue Code, to correct

the mutation entry and condone the delay of 29 years without there being any specific application for the same. The Tahsildar does not have power under section 258 of the MLR Code to review its own order, decide the title and possession over the property. He further submits that the Tahsildar did not issue notice to the petitioners while correcting the mutation entry no. 1965 and without hearing the petitioners, mutation entries were corrected. Therefore, he submits that the orders passed by the Tahsildar, the Additional Collector, the Additional Commissioner and the learned Minister are liable to be quashed and set aside.

9. In support of his submissions, he invited my attention to the sale deed dated 12.12.1983, wherein it was specifically mentioned that the petitioners had purchased 83 R land.

10. The learned AGP supports the orders passed by the learned Minister. Out of 83 R land, 30 R land was already acquired by the Irrigation Department but the name of the Government was not mutated in the revenue record.

11. Considering the issue involved, it is useful to refer to section 155 of the MLR Code, which reads as under :-

"155. Correction of clerical errors.— The Collector may, at any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the record of rights or registers maintained under this Chapter or which a revenue officer may notice during the course of his inspection :

Provided that, when any error is noticed by a revenue officer during the course of his inspection, no such error shall be corrected unless a notice has been given to the parties and objections, if any, have been disposed of finally in accordance with the procedure relating to disputed entries."

12. Considering the submissions and after going through the registered sale deeds placed on record at page no. 24 , wherein the

total area of 83R is mentioned but out of that 30R land was already acquired by the Government though mutation entry to that effect was not recorded in the revenue record and as per sale deed, respondent no. 1 sold only 30R land to the petitioners, therefore, 23R land remained with the respondent no. 1. Therefore, the petitioners' names which were recorded on the entire 83 R land, stood corrected by the Tahsildar by exercising the powers under section 155 of the MLR Code as the Tahsildar is authorized in law to correct the clerical mistake.

13. In this case, the Tahsildar has not decided the title of the parties but he has only corrected the mutation entries on the basis of the registered sale deeds. Though the excess of area was mistakenly shown in the name of the petitioners, the petitioners cannot be benefited by the same. So far as limitation for correction of mutation entry is concerned, the law is silent on this point and the revenue authority is authorized to correct the same as and when the mistake is brought to its notice. Therefore, the Tahsildar has rightly exercised the powers under section 155 of the MLR Code.

14. As regards the powers under section 258 of the MLR Code, the Tahsildar has not reviewed his earlier order; rather he has only corrected the mistaken revenue entry, which was apparent on the record. Also, the Tahsildar has not decided the title and possession of the parties, but has merely corrected the revenue entry.

15. Therefore, the petitioners cannot be benefited by the mistake in the revenue record as it is apparent on the record that 30R land was acquired by the Government but the same was not mutated in its name.

16. Therefore, considering the above, I do not find any reason to interfere with the order dated 18.06.2019 passed by the learned Minister, order dated 12.07.2018 passed by learned Additional Divisional Commissioner, the order dated 10.12.2012 passed by the Additional Collector, Ahmednagar and order dated 08.06.2011 passed by the Tahsildar, Pathardi. Hence, I proceed to pass the following order :

ORDER

- I) The Writ Petition is dismissed.
- II) No order as to costs.

**[SIDDHESHWAR S. THOMBRE]
JUDGE**

17. After pronouncement of the judgment, the learned counsel for the petitioner strongly opposed the continuation of the interim order which was granted on 17.01.2020. Since the interim relief has been in operation, I am not inclined to continue the same beyond a period of six weeks from today. Therefore, the interim relief granted by this Court vide order dated 17.01.2020, is continued for a period of six weeks from today.

**[SIDDHESHWAR S. THOMBRE]
JUDGE**

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