**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.3640 OF 2010

Smt.Chandrabhaga Fakira Raut
Age Major, Occu. Nil,
r/o Sahakar Sabhagruha road,
Rashin Mata Mandir,
Taluka and District Ahmednagar .. Petitioner

Versus

1. Nathu s/o Bapu Sanap,
Age Major, Occu. Agri.,

2. Mahadeo s/o Nathu Sanap,
Age Major, Occu. Agri.,

3. Maruti s/o Nathu Sanap,
Age Major, Occu. Agri.,

All R/o Sanap Wasti,
Near Mahadeo temple,
Nagar-Daund road,
Near Arangaon,
Taluka and Dist.Ahmednagar

4. The Tahsildar,
Ahmednagar,
Taluka and Dist.Ahmednagar

5. The Sub-Divisional Officer,
Nagar Division, Ahmednagar
Taluka and Dist. Ahmednagar

6. The Additional Collector,
Taluka and Dist. Ahmednagar

7. The Additional Commissioner,
Nashik Division, Nashik

8. The Secretary & Special Works
Officer (Appeals), Revenue
& Forest Department,
Industrial Insurance Building,
1st Floor, J.T. Road,
Church Gate, Mumbai .. Respondents

Mr V.D. Sapkal, Advocate h/f Mr V.R. Autade, Advocate for petitioner
Mr G.K. Naik – Thigle, Advocate for respondents 1 and 2

CORAM : N.W. SAMBRE, J.

DATE : 30th April 2015

PER COURT

1. The present petition questions the legality and validity of order dated 29th February 2012 passed by the State Government in its appellate jurisdiction, the order dated 29th March 2008 passed by the Additional Commissioner, Nashik Division, Nashik, the order dated 20th February 2006 passed by the Additional Collector, Ahmednagar, the order dated 28th December 2001 passed by respondent No.5, Sub Divisional Officer, Ahmednagar and order dated 25th June 1985 passed by the respondent No.4 Tahsildar, Nagar.

2. It is claimed by the petitioner that the property in question originally stood in the name of her father-in-law viz. Mahadu who had executed agreement to sell in favour of the respondents No.1 to 3 on 11th December 1952. It is claimed that said agreement of sale was not taken to its logical end.

3. The respondent No.1 herein filed an application before the Tahsildar, respondent No.4 herein on 7th August 1984 for mutation of his name in respect of Survey No.31/1 which was subject matter of above referred agreement which came to be allowed by order dated 25th June 1985.

4. The petitioner thereafter filed Revision No.2 in 1999 after a period of about fourteen years before the respondent No.5 – Sub Divisional Officer which came to be dismissed which orders are further

upheld by the Additional Collector, Additional Commissioner, Ahmednagar and Secretary, as such the present petition.

5. Mr Sapkal, learned Counsel for the petitioner, while questioning the legality and validity of the orders, has invited attention of this Court to various further proceedings taken out by the petitioner bearing Regular Civil Suit No.89/1961 for declaration which was dismissed on 30th August 1962, against which the appeal filed was dismissed. Regular Civil Suit No.78/1967 for decision also stood dismissed, Regular Civil Suit No.178/98 for declaration which also came to be dismissed on 23rd April 1999. According to him, even though the civil Court has not granted any relief in favour of the petitioner, however, the order of mutation in favour of respondent is not sustainable, as the mutation entry was taken in view of non availability of legal representatives of Mahadu after his death, upon an enquiry to that effect made by the Circle Inspector. He would urge that though the ownership remains with the petitioner, the mutation and the possession continues with the present respondents 1 to 3.

6. If above referred contentions made by learned Counsel for the petitioner are tested in the light of observations relied upon by the authorities below, it is required to be noted that the petitioner has suffered the order of mutation on 25th June 1985 passed by the respondent No.4 Tahsildar which, after about fourteen years was challenged before the Sub Divisional Officer in Revision No.2/1999. No reasonable explanation for such an inordinate delay is tendered.

7. In view thereof, the dismissal of the revision and appeal of the present petitioner, in my opinion, is justified in view of law laid down by the Apex Court in the matter of **Mohamad Kavi Mohamad Amin Vs. Fatamabai Ibrahim,** reported in (1997) 6 SCC 71.

8. Apart from above, this Court is required to take note of the fact that the revenue entries which are subject matter of the petition are always subject to civil proceedings and admittedly, the petitioner has lost in all the proceedings initiated by her as narrated here inabove.

9. In view of above, in my opinion, no case for interference is made out. Writ Petition being devoid of merit, stands dismissed.

(N.W. SAMBRE, J.)

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