

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

LETTERS PATENT APPEAL St. No.21640 OF 2011
IN
WRIT PETITION NO.549 OF 2011

Namdeo Shivrao Virkar and others

Applicants

Versus

The State of Maharashtra and others

Respondents

Mr.K.N. Nagarkar advocate for the applicants
Mr. N.B. Patil, AGP for Respondent State
Mr.R.A. Tambe advocate for respondent No.6

CORAM : R.M. BORDE &
P.R. BORA, JJ

Dated : 3rd JULY, 2015.

PER COURT :-

1 The applicants are taking exception to the order passed by the learned single Judge in Writ Petition No.549 of 2011 decided on 7.7.2011. The appellants contend that there is a decree of Civil Court passed in their favour, holding them entitled to have preferential right to purchase property. According to the appellants, the said right was directed to be recorded by the Civil Court, in revenue record. They presented applications for recording their right in respect of preferential right to purchase, in

the 7/12 extracts and on consideration of the applications, such entries were recorded. The respondent objected to the said entry, contending that, there is no provision for recording such entry and the entries recorded in other rights column are contrary to the provisions of sub-section 1 of Section 149.

2 We have perused the Judgment delivered by the learned single Judge on 7.7.2011. In view of section 149 of the Land Revenue Code, any person acquiring by succession, survivorship, inheritance, partition purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord, Government lessee or tenant of the land situated in any part of the State or assignee of the rent or revenue thereof, shall report orally or in writing, his acquisition of such right to the Talathi within three months from the date of such acquisition and the said Talathi shall at once give a written acknowledgment of the receipt of such report to the person making it. The entitlement of the appellants in respect of preferential right of purchase of the property is not to be recorded in view of section 149 of the Land Revenue Code. In this view of the matter, no fault can be found with the decision rendered by the learned single Judge dated 7.7.2011. It would be open for the appellants to take appropriate steps for protection of their rights. LPA is devoid of any substance

and hence stands dismissed.

Pending civil applications, if any stand disposed of.

(P.R. BORA, J)

(R.M.BORDE, J)

vbd