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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2014 OF 2015**

Mr. Sachin Arvind Kher

... Petitioner

Vs.

The State of Maharashtra and Ors.

... Respondents

Mr. Ajay A. Joshi, for the Petitioner.

Mr. V.P. Malvankar, AGP 'A' Panel, for the Respondents.

**CORAM : A.S. OKA &
A.P. BHANGALE, JJ.**

DATE : 31st MARCH, 2015

PC.

. Heard the learned counsel appearing for the Petitioner and the learned AGP for the Respondents. Forthwith taken up for final disposal.

2. One Keshav S. Shinde made an application to Village Talathi for mutating his name in the revenue records in respect of a land bearing Gat No.345 at Village Kurne, District Ratnagiri. He claimed that one Babu alias Sakharam Babya Shinde who was the original Khatedar was no more. The said Keshav claimed to be the legal representative of the said Babu. On the basis of the said application,

Mutation Entry No.35 was made and was certified by order dated 14th November, 1995. The contention of the Petitioner was that Babu Babya Shinde was not at all dead. The Petitioner preferred an Appeal against the said Mutation Entry before the Sub-Divisional Officer. The said Appeal was dismissed by order dated 27th February, 2001. The Petitioner preferred second Appeal before the Additional Collector. By judgment and order dated 31st January, 2006, the said Appeal was allowed by the Additional Collector. The order dated 27th February, 2001 passed by the Sub-Divisional Officer was set aside and the order of the Circle Officer confirming the mutation entry No.35 was also set aside. The Additional Collector remitted the matter to the Circle Officer, Punas for an enquiry to determine the issue whether the said Babu Babya Shinde was really dead. The said Keshav Shinde preferred a revision application against the order of the Additional Collector before the Additional Commissioner of Konkan Division. By order dated 22nd April, 2008, the revision application was allowed and the order dated 31st January, 2006 passed by the Additional Collector was set aside. Being aggrieved by the order of the Additional Commissioner, Konkan Division, the Petitioner preferred the second revision before the State Government. The said second revision bearing No.RTS No.2908/PK 396/L-6 was admitted for final hearing and order dated 22nd April, 2008 passed by the Additional Commissioner was stayed pending the final disposal of the revision

application. By communication dated 25th June, 2008, the Desk Officer of the Revenue and Forest Department informed the Petitioner that the order dated 22nd April, 2008 passed by the Additional Commissioner has been stayed till the disposal of the revision application. On the basis of the said order of stay, an entry was made in other rights column of the 7/12 extract. By order dated 23rd November, 2011, the revision application of the Petitioner was partly allowed. However, the State Government directed the District Collector to hold an enquiry in terms of order dated 31st January, 2006 passed by the Additional Collector.

3. In the Petition there are two fold grievances. The first grievance is that no enquiry has been held as per order dated 23rd November, 2011. The second grievance is an entry made in the other rights column of the 7/12 extract on the basis of the interim stay granted by the State Government has not been deleted though the order of stay is no longer operative.

4. The learned AGP seeks time on the ground that the election program of various village panchayats has been declared. On 16th March, 2015 and on 24th March, 2015, time was granted to the State. Therefore, we decline to grant further time to the State.

5. As far as the first grievance is concerned, if the direction contained in clause 2 of the order dated 23rd November, 2011 passed by the State Government is not yet acted upon, the same shall have to be implemented. The second grievance has also a great deal of substance. After the revision application was decided finally by the State Government, an entry of the interim order passed by the State Government pending revision cannot remain on the revenue record.

6. We, accordingly, dispose of the Petition by passing the following order :-

ORDER

- (i) We direct the Petitioner to produce an authenticated copy of this order before the District Collector, Ratnagiri;
- (ii) If the order dated 23rd November, 2011 passed by the Hon'ble Minister of Revenue Department of the State Government and in particular clause 2 thereof is not yet implemented, the District Collector shall ensure that the said direction contained in clause 2 of the operative part of the judgment and order dated 23rd November, 2011 is implemented within a period of four months from the date on which the authenticated copy of this order is produced before the District Collector;

- (iii) We direct the Tahasildar, Taluka Lanja, District Ratnagiri to delete the entry made in the 7/12 extract of the land bearing Gat No.345 of the interim order passed during the pendency of the Revision Application before the State Government. Necessary steps shall be taken by the Tahsildar within a period of one month from the date on which an authenticated copy of this order is produced by the Petitioner before the Tahsildar;
- (iv) The Petition is disposed of on above terms;
- (v) All concerned to act upon the authenticated copy of this order.

(A.P. BHANGALE, J)

(A.S. OKA, J)