

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3896 OF 2015

Shri. Rajkumar Lalan Singh and others

.. Petitioners

Versus

M/s. Golden Dairy Farm and others

.. Respondents

Shri. Rajesh A. Tekale, for the Petitioners.

Ms. Sharmila Deshmukh, for the Respondent No.1.

Shri. S. D. Rayrikar, AGP for the Respondent No.3.

CORAM : R.M. SAVANT, J.

DATE : 21st APRIL, 2015

PC.

1. The order impugned in the above Petition is one dated 27.02.2015 passed by the District Superintendent of Land Records, Mumbai Suburban District, by which order the Appeal filed by the Respondent No.1 herein came to be allowed. The said Appeal is in respect of a mutation entry made in the City Survey record. It is the contention of the Learned Counsel for the Petitioners that the application for condonation of delay in filing the Appeal filed by the Respondent No.1 was heard and was closed for orders. However, on receipt of the order, the Petitioners have found that the Appeal itself has been decided on merits without passing an order condoning the delay and admitting the Appeal

which is a procedure contemplated under Section 251 of the Maharashtra Land Revenue Code. In my view, it is not necessary for this Court to consider the said aspect in view of the remedy by way of an Appeal which is available to the Petitioners before the Deputy Director of Land Records under Section 247 of the Maharashtra Land Revenue Code. The Petitioners are accordingly relegated to the said remedy of filing an Appeal under Section 247 it would be before the Appellate Authority that the Petitioners can urge the contention which has been referred to herein above and for the Appellate Authority to decide the same. The Appellate Authority may also consider any application for interim reliefs that may be filed by the Petitioners in the said Appeal. With the aforesaid directions, the Writ Petition is disposed of.

[R.M. SAVANT, J]