

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10785 OF 2014

Hariprasad Vitthal Shetty .. Petitioner
VS.
C. C. Jhaveri (since deceased)
Legal heir Ashish C. Jhaveri & Ors. .. Respondents

Mr. V. P. Sawant with J. N. Jayale for Petitioner.
Ms Priya Ranade i/b. Gordhandas & Fozdar for Respondent No. 1.
Ms Vaishali Nimbalkar – AGP for Respondent No. 2

CORAM : M. S. SONAK, J.
DATE : 18 FEBRUARY, 2015

P.C. :-

1] The challenge in this petition against the order dated 29 March 2014 made by the District Superintendent of Land Records condoning alleged delay of almost 33 years in seeking mutation in land records.

2] As against the order made by the District Superintendent of Land Records under Section 247 of the Maharashtra Land Revenue Code, 1966 the remedy of revision is available. Accordingly, there is no reason to entertain the present petition.

3] The learned counsel for the petitioner states that such revision petition will be instituted before the appropriate authority within a period of two weeks from today. Looking to the facts and circumstances of the present case, it would be appropriate if the revisional authority disposes of such revision petition within a period of three months from the date on which the same is filed. As the petitioner had instituted and were pursuing the present petition, in case the revision petition is instituted within a period of two weeks

from today, then the revisional authority shall entertain the same on merits, without going into the question of some delay in the institution of the same.

4] In this case, since the delay alleged was of 33 years, it would be appropriate if the District Superintendent of Land Records does not proceed with the hearing of the appeal on merits, until the petitioner's revision petition is disposed of.

5] Accordingly, the present petition is disposed of with the following order:

(a) The petition is not entertained, as the petitioner has an alternate remedy by way of preferring a revision petition;

(b) In case the petitioner prefers a revision petition against the impugned order dated 29 March 2014 within two weeks from today, then the same shall be entertained by the revisional authority on merits and disposed of within a period of three months from the date of filing of the same;

(c) For a period of two weeks from today, and in the event the petitioner institutes a revision petition before the revisional authority, the District Superintendent of Land Records shall not proceed with the hearing of the appeal on merits until disposal of the revision petition;

(d) It is made clear that this Court has not expressed any opinion on the merits of the matter and all issues and contentions are left open for decision by the revisional authority.

6] The petition is disposed of in the aforesaid terms.