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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7623 OF 2014

Smt. Anjana Gulab Jadhav & Ors. ..Petitioners.
V/s.
The Revenue Commissioner, Pune & Ors. ..Respondents.

Mr.P.B.Shah i/b. Shah Kayval for the petitioners.
Mrs.M.P.Thakur, AGP for respondent Nos.1 to 4.

**CORAM : A.S.OKA AND
A.K. MENON, JJ.**

DATED : 19TH JANUARY, 2015

P.C. :-

1. Not on board. Taken on board.
2. The petition was heard in the last week. The only grievance made by the petitioner is as regards the failure of the authorities to implement the orders dated 14th June, 2013 passed by the Tahsildar, Daund.
3. We find that by Mutation Entry No.3665 dated 1st January, 2014 an effect was given by the Village Talathi to the order dated 14th June, 2013. By order dated 28th January, 2014, the Circle Officer has set aside the said Mutation Entry No.3665 on the ground that the original order dated 14th June, 2013 is not available. On the last date, the Tahsildar was personally present

in the Court. He is also present today. The Counsel for the petitioner has produced a certified copy of the order dated 14th June, 2013 issued under the seal of the Tahsildar, Daund. Even today, the Tahsildar, who is present personally in the Court, has not disputed the correctness of the said certified copy.

4. Thus, as of today, the order dated 14th June, 2013 stands. The effect was given to the said order by making an Mutation Entry No.3665. The Mutation Entry was cancelled only on the ground that the original order was not available.

5. The existence of the original order is not in dispute. At this stage, learned AGP submits that the Tahsildar had no powers to pass the order. As of today, no proceedings have been filed in relation to the said order dated 14th June, 2013 and, therefore, subject to the right of the State to initiate appropriate proceedings, the order will have to be implemented.

6. Accordingly, we pass the following order :-

- (i) We set aside the order dated 28th January, 2014 passed by the Circle Officer by which the Mutation Entry No.3665 dated 1st January, 2014 was cancelled;
- (ii) We direct that the said Mutation Entry shall be certified

subject to the right of the State Government of taking appropriate proceedings in relation to the order dated 14th June, 2013 and subject to the order which may be passed in the proceedings, if taken;

- (iii) After certifying the Mutation Entry No.3665, which shall be done within a period of one month from today, consequential action shall be immediately taken correcting the relevant revenue records;
- iv) We make it clear that we have not made any adjudication on the merits of the issue of the legality of the order dated 14th June, 2013.
- (v) The petition is disposed of in the above terms.

(A.K.MENON, J.)

(A.S.OKA, J.)