

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (STAMP) NO.23421 OF 2014

Mr. Anant G. Gaonkar .. Petitioner
VS.
The State of Maharashtra & ors. .. Respondents

Mr. Sagar Joshi for the Petitioner.
Mr. S.D. Rayrikar, AGP for Respondent No.1.

CORAM : M. S. SONAK, J.
DATE : 2 FEBRUARY , 2015

P.C. :-

1] This petition is directed against the order dated 24 July 1997 made by the Additional Commissioner, Konkan Division, Mumbai in the matter of Mutation Entry in respect of the suit property.

2] Respondent Nos.2 to 10 in this petition are private respondents. The address in respect of each of these private respondents, is following:

*"R/at -
Taluka Devgad, Dist. Sindhudurg"*

3] The petitioner obtained notice and ad-interim relief in terms of prayer clause (b) from this Court on 5 November 2014.

4] Thereafter, the office records indicate that there was difficulty in the matter of service of notice upon respondent Nos.2 to 10.

Ultimately, the notice, as expected has returned back unserved with the remarks "*want of full and correct address*".

5] This petition was filed on 3 September 2014. The explanation for the delay is that the impugned order was implemented only in the year 2008 and thereafter the petitioner came to know about the implementation sometimes on 7 January 2012. This is hardly an explanation which inspires confidence. Indisputably, the impugned order is dated 24 July 1997, assuming that the same was implemented in the year 2008, then within reasonable time from the date of such implementation, this petition could always been filed. Further, it is solemnly stated that the petitioner become aware of this order on 7 January 2012. There is no explanation whatsoever as to what thereafter prevented the petitioner from filing this petition upto 3 September 2014.

6] There is yet another additional reason as to why this petition is not being entertained. It is settled position in law that mere Mutation Entry neither affects nor determines the issues of title. Accordingly, even if the impugned order, which was made on 24 July 1997 and implemented (allegedly in the year 2008) is allowed to stand, that by itself will not affect the rights or title of the petitioner, if any, to the suit property.

7] Accordingly, for all the aforesaid reasons, there is no reason to interfere with the impugned order, which is made in this petition. In the event, the petitioner chooses to take out appropriate proceedings before the Civil Court, then there is no doubt that such proceedings will be decided by the competent civil authorities, in accordance with law and on their own merits without being influenced by the Mutation Entry.

8] Accordingly, this petition is dismissed. The interim orders made earlier stand vacated. There shall be no order as to costs.

(M. S. SONAK, J.)

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