

SQP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1254 OF 2014**

Hemant Mangesh Padte

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Vijay Gharat for the Petitioner

Mr. V. S. Gokhale, A.G.P for the Respondent Nos. 1 to 3 & 5

**CORAM : A. S. OKA &
REVATI MOHITE DERE, JJ.
MONDAY, 6TH JULY, 2015**

P.C. :

1. Heard learned Counsel appearing for the petitioner and the learned A.G.P for the respondent Nos. 1 to 3 and 5. The petitioner is relying upon order dated 14th January, 2002 passed by this Court in Writ Petition No. 3696 of 2001. It is the case of the petitioner that in terms of the said order, representation was considered and on the basis of the representation, mutation entry No. 2196 was effected which was certified on 17th September, 2008. The mutation entry records that the area of the land bearing Survey No. 158/10A of the Village Boripakhadi, Taluka Uran, District Raigad, shall be corrected as 00-01-77 instead of 00-00-65.

2. Exhibit 'C' shows that name of the grandmother of the petitioner i.e. Laxmibai Gajanan Padte was mutated in the revenue records of the said survey number on the basis of the mutation entry No. 2196. By communication dated 16th April, 2013, the Tahsildar has informed the petitioner that as 7/12 extract has been newly created, the petitioner should get the land surveyed and demarcated from the Deputy Superintendent of Land Records, Uran.

3. The learned Counsel appearing for the petitioner submits that the petitioner is ready and willing to pay the charges for getting the land surveyed and demarcated through a Survey Officer under the Maharashtra Land Revenue Code, 1966. Learned A.G.P has not received any instructions.

4. Considering the annexures to the petition and the aforesaid statement made by the learned Counsel for the petitioner, we dispose of the petition by passing the following order :

ORDER

(i) It will be open to the petitioner to make an application to the Deputy Superintendent of Land Records, Uran, District Raigad for carrying out Survey and the measurement of the land bearing Survey No. 158/10A at Village Boripakhadi, Taluka Uran, District Raigad.

(ii) If such application is made in accordance with Rules, the Deputy Superintendent of Land Records, Uran shall ensure that Survey is carried out and the said land is demarcated. Work of survey and demarcation shall be completed within a period of three months from the date on which application is made by the petitioner.

(iii) If after Survey, it is revealed that there are any illegal structures on the said land, it will be open for the petitioner to file appropriate proceedings in accordance with law.

(iv) Petition is disposed of on the above terms.

(v) The Deputy Superintendent of Land Records, Uran,
District Raigad shall act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)