

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

WRIT PETITION NO.327 OF 2015

**Govind Kisan Dhongde
since deceased through legal heirs**

Ramesh Govind Dhongde and ors.

: Petitioners

versus

Subhash Dattatray Dhongde and ors.

: Respondents.

Mr. Amey R Deshpande for the Petitioners.

CORAM : R. M. SAVANT, J.

DATE : 12th June 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 25/2/2011 passed by the Additional Commissioner, Nashik Division, Nashik by which order the Revision Application filed by the Respondents came to be allowed and resultantly, the order dated 17/11/2007 passed by the Additional Collector in RTS Appeal No.262/2005 came to be set aside and the Mutation Entry No.4055 came to be confirmed.

2 The above Petition has been filed on 6/12/2014 i.e. almost after a period of 3 years and 10 months of the order being passed by the concerned authority. The said challenge therefore suffers from delay and laches and having regard to the fact that there is no plausible explanation given in the above Petition for the said delay and laches, the above Petition would have to

be dismissed on the said ground.

3 Be that as it may, the challenge to the order passed by the Appellate Authority also seems to be without merit as what the Additional Commissioner has done is to re-instate the Mutation Entry No.4055 which is recorded in favour of Shri Vitthal Devasthan, Dindori and Shri Vitthal Dev is shown to be in possession of the said property. The reasons for the same are found in the order passed by the Additional Commissioner. The Additional Commissioner was of the view that since no objection was taken by the predecessor of the Petitioners to the registration of the trust and the property being entered in its name, the Petitioners are estopped from challenging the said mutation entry. The Additional Commissioner has also taken into consideration the fact that the Petitioners have filed a suit for partition being Regular Civil Suit No.46 of 2000.

4 In my view, having regard to the reasons mentioned in the impugned order passed by the Additional Commissioner as also on the ground of delay and laches, no case for exercise of the writ jurisdiction is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]