

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 953/2015

(LEELABAI JAIKRISHNA NANDURKAR **VERSUS** STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A.P. Chorghade, counsel for the petitioner.
 Shri D.M. Kale, A.G.P. for the R-1 to 4.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : AUGUST 17, 2015.

By this petition, the petitioner seeks a direction to the respondents to effect the necessary entries in the revenue records in the name of the petitioner as per the registered sale-deeds.

According to the petitioner, the petitioner has, after purchasing the property *vide* registered sale-deed dated 10.05.1979, applied to the Tahsildar for effecting the necessary changes in the revenue records but, the Tahsildar has not decided the application of the petitioner for more than ten years.

The respondent nos.3 and 4 have filed an affidavit-in-reply. It is stated in the affidavit-in-reply that the field survey numbers that are mentioned in the registered sale-deed dated 10.05.1979 do not match with the extract of the fields in the Office of the Talathi. It is stated that since the survey numbers do not match, it would not be possible to effect the entries in favour of the petitioner and her husband.

It would not be possible for this Court to decide the question whether the field survey numbers mentioned in the sale-deed match with the fields in the village map maintained by the Office of the Talathi. Since the Tahsildar has not passed an order rejecting the

application of the petitioner, the petitioner is not in a position to file an appeal. The Tahsildar may, therefore, pass an appropriate order rejecting the application so that the petitioner can avail the remedy of filing an appeal before the Sub-Divisional Officer in terms of the provisions of the Maharashtra Land Revenue Code.

In view of the aforesaid, we dispose of the writ petition with a direction to the Tahsildar to pass an appropriate order on the application of the petitioner within a period of four weeks. The petitioner is at liberty to challenge the order, if adverse to the petitioner, by availing the remedy under the provisions of the Maharashtra Land Revenue Code.

Order accordingly. No costs.

JUDGE

JUDGE

APTE