

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

WRIT PETITION NO. 4982/2013

(CHANDRAKANT NANDLAL BHUTADA 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 R.K. Thakkar, counsel for the petitioner.
Shri N.S. Rao, A.G.P. for the R-1 to 4.

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

DATE : DECEMBER 17, 2015.

By this petition, the petitioner seeks a direction to the respondent no.3-Tahsildar to record the name of the petitioner in the record of rights.

It is the case of petitioner that the real paternal uncle of the petitioner and his legal heirs have wrongly sought the recording of their names in the revenue records, in the year 1978 on the basis of a partition-deed. It is stated that on the basis of the documents at Annexure-A and Annexure-B, it could be gathered that there is some mischief in recording the names of Jamnadas Bhutada in the revenue records. It is stated that the petitioner is the real nephew of Jamnadas Bhutada and on the basis of the so called partition-deed, the entry is recorded in the name of Jamnadas Bhutada to the detriment of the petitioner. It is stated that in an appeal made by the petitioner against the order of the Tahsildar to the Sub-Divisional Officer, the Sub-Divisional Officer has remanded the matter to the Tahsildar and the Tahsildar is illegally asking the petitioner to produce the copy of the partition-deed and the copy of the order of the Naib Tahsildar, dated 14.11.1978. It is stated that the petitioner would not be in a position to produce the partition-deed on which the other side has

relied for seeking the mutation entries. It is stated that the order of the Tahsildar also cannot be produced by the petitioner as it is a matter of official record. It is stated that it would be for the Tahsildar to make an enquiry in the matter.

Shri Rao, the learned Assistant Government Pleader appearing on behalf of the respondent nos.1 to 4, states on instructions that the Tahsildar is ready to make an enquiry in the matter. It is stated that the Tahsildar would peruse the available records. It is stated that question of limitation would also be considered by the Tahsildar while deciding the application.

In view of the statement made by the learned Assistant Government Pleader, we dispose of the writ petition with a direction to the respondent no.3-Tahsildar to consider and decide the application of the petitioner, in accordance with law. If at all the order of the Tahsildar is adverse to the interest of the petitioner, the petitioner is entitled to take recourse to the remedy under the provisions of the Maharashtra Land Revenue Code.

Order accordingly. No costs.

JUDGE

JUDGE

APTE