

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.33407 of 2015

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ORDER:

The petitioner is aggrieved by the notice, dated 13-08-2015, issued by the 3rd respondent with regard to proposed enquiry on the application filed by respondents 4 to 8. The petitioner states that respondents 4 to 8 filed a civil suit, which was dismissed and therefore, they have filed A.S.No.138 of 2006 and the same is pending before this Court. While so, respondents 4 to 8 filed an application before the 3rd respondent on 10-11-2014 seeking to enter their names in the possession column. On the said application of respondents 4 to 8, merely on finding that all the parties are being put in joint possession, the 3rd respondent has issued impugned notice, dated 13-08-2015 to the petitioner to appear before him along with documents. The petitioner questions the said notice on the ground that unless respondents 4 to 8 succeed in the aforesaid appeal, which is pending before this Court, no such application on their behalf can be entertained.

It is evident that an application for updating the revenue record is made by respondents 4 to 8 before the 3rd respondent and he has rightly issued impugned notice to the petitioner. The petitioner can always appear before the 3rd respondent and raise all his contentions including that the very issue is pending in A.S.No.138 of 2006 before this Court and pending that appeal, the 3rd respondent ought not to have altered the revenue record. If all such contentions are raised by the petitioner before the 3rd respondent, he is entitled to go into those questions and pass appropriate orders while considering the request of respondents 4 to 8. However, the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India does not deserves to be invoked to interdict the proceedings initiated by the 3rd respondent.

Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 09-10-2015

Prv

