

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 3904 of 2013

Rabiya Begum w/o. Md. Isaq,

Age : 80 years,

Occupation : Household,

Residing at Asifya Colony,

Aurangabad,

Through its power of attorney
holder,

Jalaluddin s/o. Jamaluddin Mistry,

Age : 80 years,

Occupation : Nil,

Residing at Nahid Nagar,

Hattesingpura, Aurangabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through the Secretary to the Government,
Revenue and Cooperation Department,
Mantralaya, Mumbai.

2. The Divisional Commissioner,
Marathwada Region, Aurangabad.

3. The District Collector, Aurangabad.

4. The Tahsildar, Aurangabad.

.. Respondents.

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Mr. Hemant Surve, Advocate, for the petitioner.

*Mr. V.H. Dighe, Asst. Government Pleader, for
respondent nos.1 to 4.*

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 5TH JANUARY 2016

COURT'S ORDER *(Per S.V. Gangapurwala, J.) :*

1. Mr. Surve, the learned Counsel appearing for the petitioner, submits that the proceedings regarding cancellation of mutation entry were taken up to the Additional Commissioner. Thereafter the petitioner moved the Tahsildar for implementation of the said order. The Tahsildar did not entertain the said application and directed the petitioner to approach the Sub-Divisional Officer. The learned Counsel submits that the petitioner is only seeking implementation of the orders passed by the superior authorities. There was no impediment for respondent no.4 to implement the said order.

2. Mr. Dighe, the learned Asst. Government Pleader appearing for respondents, submits that the Tahsildar vide impugned order had also stated that the competent person to cancel the mutation is the Sub-Divisional Officer, Aurangabad. It is not that the application of the petitioner is rejected.

3. We have gone through the orders passed by the authorities. If the orders are passed by superior authorities, certainly same are to be implemented by the appropriate authority. Upon perusal of the communication dated 18-2-2013 (Exhibit "E"), it is manifest that the Tahsildar has observed that his office does not have power to cancel the said mutation and the said power vests with the Sub-Divisional Officer.

4. In the light of above, the petitioner may move the Sub-Divisional Officer, Aurangabad, making the same request. In case, the said application is received by the Sub-Divisional Officer, the Sub-Divisional Officer shall take decision on the same, in accordance with law, as expeditiously as possible and preferably within three months from the date of presentation of such application.

5. With the above directions and observations, the Writ Petition is disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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