

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

WRIT PETITION NO. 9454 OF 2015

Mangalbai Shashikant Birajdar and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Shambhuraje V. Deshmukh, Advocate for Petitioners.

Shri S. G. Karlekar, A. G. P. for Respondent Nos. 1 to 3.

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

DATE : 29TH FEBRUARY, 2016.

PER COURT :-

1. Mr. Deshmukh, the learned counsel for petitioners submits that, petitioners have not been given any notice with regard to the proceedings directed to be undertaken regarding the change in the mutation entry. The learned counsel submits that, the respondent No. 1 directed the respondent No. 2 to initiate proceedings with regard to the deletion of the names of the owners of Gut No. 681 (New Gut No. 425) of village Andur. Pursuant thereby, the Collector directed the Sub-Divisional Officer and Land Acquisition Officer, Osmanabad to make inquiry with regard to the name of the petitioners in the relevant record. According to the learned counsel such directions could not have been issued. The same is against the statute, no procedure is followed.
2. Mr. Karlekar, the learned A. G. P. submits that, the Authorities have directed to conduct the inquiry in accordance with law and then only the change is to be made.

3. We have considered the submissions.

4. It is trite that before any change is to be affected with regard to the mutation entry the same cannot be done unless notice is issued to the persons whose names stand in the revenue record. The communications impugned in this petition itself states that, inquiry is to be conducted by the officers.

5. The mutation entry standing in the name of petitioners shall not be changed without issuing notice to the petitioners and without hearing to the petitioners. The petitioners would be entitled to put forth their case before the Authority concerned.

6. With these observations the writ petition stands disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]

sam/Feb.16