

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

945 WRIT PETITION NO. 10478 OF 2015

JANKU DAGADU RUPNAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Palve Ghule Renuka B.
AGP for Respondents 1 to 3 : B.A. Shinde
Advocate for Respondents 4 & 5 : V.D. Hon, Sr. Counsel i/b. A.V.
Hon
...

CORAM : T.V. NALAWADE, J.
DATED : 7th December, 2016.

ORDER :

1. Heard the learned counsel for petitioners. It appears that a proceeding was started under the provision of section 257 of Maharashtra Land Revenue Code before Tahsildar to challenge Mutation No. 3029 made by Talathi in the record of Village Aadgaon, Tahsil Pathardi, District Ahmednagar. Tahsildar dismissed the proceeding and appeal was filed before Sub Divisional Officer which was also dismissed. Against that order, present proceeding is filed.

2. This Court has carefully seen mutation No. 3029. The mutation shows that there was a proceeding before Tahsildar in the year 1965 and in that proceeding bearing Tenancy Case No. 3210, there was order in 1975 and there was some compromise

and price was fixed between the parties in the tenancy proceeding as Rs.1500/- and on that basis, the sale was effected. Thus, the mutation was made actually on the basis of tenancy proceeding, order made in tenancy proceeding. It is the contention of the present petitioner that petitioner purchased the same property in the year 1979. There is apparent misconception about the matter which needs to be challenged and also about the authority before whom the matter needs to be challenged. This Court holds that present proceeding is not tenable. It is dismissed. Interim relief, if any, is vacated. Liberty to approach appropriate authority is granted.

[T.V. NALAWADE, J.]

ssc/