

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

909 WRIT PETITION NO. 2707 OF 2015

SHAIKH ANEES SHAIKH IBRAHIM  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Petitioner : Chaudhari MD Mujeebuddin M.S.  
AGP for Respondents 1 to 4 : A.P. Basarkar  
Advocate for Respondent 5 : A.S. Deshmukh  
Advocate for Respondent 6 : Syed Parvez h/f. J.M. Murkute  
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**CORAM : T.V. NALAWADE, J.**  
**DATED : 31st August, 2016.**

**ORDER :**

1) The petition is filed to challenge the order made by Deputy Director of Land Records, Aurangabad in Appeal No.SR-1431/2014 and 1474/2014 dated 3.7.2014. Heard the learned counsel for petitioner.

2) It appears that present petitioner has one agreement of sale in his favour from the original owner and he had filed civil suit for specific performance of contract. He lost in the suit and the matter is pending in the District Court in First Appeal. The original owner has sold the property to third party and due to registered sale deed, mutation is made in favour of purchaser. This mutation, present petitioner wants to challenge and so, he had started the proceeding. He has lost in the proceeding and

the Deputy Director has dismissed the proceeding by holding that delay of 9 years cannot be condoned.

3) This Court allowed the learned counsel for petitioner even to argue on some merits of the case. The submissions made show that the petitioner has not become owner of the property. There was no other alternative before the revenue authority than to give effect to the registered sale deed and accordingly, mutation is made. It can be said that the proceeding which was started before revenue authority was itself misconceived. In view of these circumstances, this Court holds that there is no possibility of interference even on merits. The petition stands dismissed.

**[ T.V. NALAWADE, J. ]**

SSC/