

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

WRIT PETITION NO. 2153 OF 2016

Siddheshwar Trust Through its Secretary
Changdeo Kachru Jejurkar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mrs. Madhweshwari Mhase-Thube, Advocate i/by Lex Aquila, for
the Petitioner.

Shri B. A. Shinde, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.**

DATE : 26TH APRIL, 2016.

PER COURT :

. The learned counsel for the petitioner states that, the name of the petitioner appeared in the other rights column in the relevant revenue record with regard to land gut No. 691 situated at village Verul. The said name was mutated and appeared in the relevant record for more than fifty years. All of a sudden behind the back of the petitioner name of the petitioner was removed. Subsequently, the petitioner got the knowledge of the same. The same is pursuant to letter dated 31.12.2010. The same is illegal.

2. The learned Assistant Government Pleader states that, the respondent No. 2 has issued the order directing deletion of name of unauthorized persons from the other rights column of 7/12 extract of land gut No. 691 situated at Verul. The Pujari Shri Ravindra Puranik had illegally and unauthorizedly transferred the service inam land of Ghrishneshwar Mahadeo Mandir in the name of Shri Janardhan Swami Maungiri Maharaj.

3. We have considered the submissions.

4. It is not disputed that, name of the petitioner trust was appearing in the 7/12 extract in the other rights column for almost fifty years. The adherence to the principles of natural justice has been totally flouted.

5. Before deleting name of the petitioner from other rights column, the petitioner was not issued with any notice, nor was given any hearing. Such an order does not stand to the test of *audi alteram partem*.

6. Considering the above, we pass following order.

7. The impugned order deleting the name of the petitioner from the relevant revenue record from the other rights column is quashed and set aside. The respondent authority shall after

hearing the petitioner take decision about the mutation entry in the name of the petitioner afresh. The petitioner shall appear before the authority on 16.05.2016. The respondent No. 3 shall after hearing the petitioner take decision about the mutation of the name of the petitioner in the other rights column afresh. All contentions of respective parties are kept open. The writ petition is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 16