

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3001 OF 2015**

Vijay S/o Shankar Bhinge & anr. : Petitioners.

versus

State of Maharashtra

Through the Principal Secretary

Revenue & Forestry Department & ors. : Respondents.

Mr. Parag V Dube for the Petitioner.

Mrs. M S Bane "B" Panel Counsel for the State/Respondent Nos.1 to 5.

CORAM : R. M. SAVANT, J.

DATE : 06th December 2016

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 06/09/2014 passed by the Revisionary Authority i.e. the Hon'ble Minister for Revenue by which order the Revision Application filed by the Respondent No.6 herein came to be allowed and resultantly the order dated 31/10/2013 passed by the Deputy Director of Land Records came to be set aside.

2 The genesis of the controversy lies in the entry made in the property card vide Pherfar No.1944 on 25/11/2011. The said entry has been made on the basis of the registered Sale Deed dated 06/08/2011 entered into between the Petitioner and the Respondent No.6 herein in respect of the sale of land admeasuring 132.39 sq.meters out of the total land of 668.90 sq.meters of City Survey No.5/4, Final Plot No.7/4 of Mouje Erandavana, Pune City.

3 The said entry was challenged by the Petitioners before the District Superintendent of Land Records, Pune. The District Superintendent of Land Records by the order dated 20/09/2012 dismissed the Appeal on the ground that if the Petitioners have any grievance or right in respect of the land in question, they may agitate the same by adopting appropriate civil proceedings.

4 The said order dated 20/09/2012 passed by the District Superintendent of Land Record was taken exception to by a further Appeal filed by the Petitioners before the Deputy Director of Land Records, Pune. The Deputy Director of Land Records, Pune by his order dated 31/10/2013 set aside the order passed by the District Superintendent of Land Records and directed that in respect of the land in question being City Survey No.5/4, Final Plot No.7/4 of Mouje Erandavana, Pune City an entry should be made in the property card in respect of 432 sq.meters of FSI in favour of the Petitioners herein.

5 The said order dated 31/10/2013 passed by the Deputy Director of Land Records was taken exception to by way the Respondent No.6 by filing Revision before the State Government. In the said Revision the Respondent No.6 had filed an application for interim relief in which application an order came to be passed on 04/01/2014 by the Revisionary Authority whereby the

decision dated 31/10/2013 of the Deputy Director of Land Records was stayed pending consideration of the Revision Application.

6 The Revision Application was thereafter taken up for consideration by the Revisionary Authority i.e. the Hon'ble Minister for Revenue, Government of Maharashtra who by the impugned order dated 06/09/2014 has allowed the Revision Application and thereby set aside the order dated 31/10/2013 passed by the Deputy Director of Land Records.

7 The consequence of the impugned order is that the order passed by the District Superintendent of Land Records dated 20/09/2012 is reinstated. The District Superintendent of Land Records having regard to the nature of the controversy sought to be raised by the Petitioners was of the view that the Petitioners would have to file appropriate civil proceedings for asserting their rights or ventilation of their grievance if any in respect of the land in question. Since the entry in the property card i.e. Pherphar 1944 has been entered into on the basis of the Sale Deed executed by the Petitioners in favour of the Respondent No.6. The said order passed by the City Survey Officer as confirmed by the District Superintendent of Land Records and now confirmed by the Revisionary Authority by the impugned order does not merit any interdiction at the hands of this Court in the writ jurisdiction. However, it is clarified that it would be open for the Petitioners to follow the course of

action as directed by the District Superintendent of Land Records by his order dated 20/09/2012. If any such civil proceedings are filed, needless to state that, they would be tried on their own merits and in accordance with law. With the aforesaid observations, the above Writ Petition is dismissed.

[R.M.SAVANT, J]