

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7884 OF 2013**

Shri Motiram Maruti Gurav	..	Petitioner
versus		
State of Maharashtra & Ors.	..	Respondents

Mr. Drupad Patil for Petitioner.
Mr. N. P. Deshpande – Addl. G.P. for State.

**CORAM: DR. MANJULA CHELLUR, C. J. AND
M. S. SONAK, J.**
DATE : 24 OCTOBER 2016

P.C.:

1] The petitioner claiming to be the beneficiary to the estate of deceased Tarabai by virtue of Will, is before us, seeking a direction against the respondent authorities to consider his representation and allot the alternative land in the benefited zone since in terms of Will of late Tarabai, the petitioner is a beneficiary to the estate of the deceased.

2] Apparently, the petitioner is a son of brother of deceased Tarabai. So far as the Will upon which the petitioner is placing reliance it was not tested before a court of law for issuance of legal heirs or succession certificate. Even if mutation is changed to the name of the petitioner based upon the alleged Will of late Tarabai, entries in the revenue records though may have presumptive value cannot be declared as record of title. In that view of the matter, writ petitioner first must cross the hurdle of obtaining an order from the competent

court that by virtue of the Will in question, he is entitled to the estate of the deceased, as indicated in the Will and then he must approach the respondent authorities for allotment of land in the benefited zone, only then the respondent authorities can take into consideration the representation and dispose of the matter in accordance with the procedure contemplated.

3] With these observations, the writ petition is disposed of.

CHIEF JUSTICE

(M. S. SONAK, J.)

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