

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7254 OF 2016

Saideep Properties & Ors.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Pavan S. Patil, for the Petitioners.

Mr. P.R. Metkari, AGP for Respondents 1 & 2.

Mr. Pathamesh B. Bhargude, for Respondents No. 3 & 4.

CORAM : K.K. TATED, J.

DATE : 7th October 2016

P.C. :

1 . Heard learned Counsel for the parties. By this Petition under Article 226 and 227 of the Constitution of India, the Petitioners challenge the order dated 17th August 2015 passed by the Additional Commissioner, Pune Division, Pune, and the order-cum-letter dated 30th September 2015 rejecting their Application dated 11th September 2015 and reminder dated 17th September 2015.

2 . The learned Counsel for the Petitioners submits that in

order dated 17th August 2015 passed by the Additional Commissioner, Pune Division, Pune, the name of Respondent No. 28A, 28B and the Power of Attorney-holder of Respondents No. 1 to 28 is incorrect.

The learned Counsel for the Petitioners submits that the correct name of Respondent No. 28A is “**Rajendra Kantilal Chopda**” whereas in the order, same is stated as “**Rajendra Kuntilal Chopda**”.

The name of Respondent No. 28B is “**Sachin Rajkumar Bora**” whereas in the order it is stated as “**Sachin Tukaram Bora**”.

He submits that in similar way, the name of Power of Attorney-holder of Respondents No. 1 to 28 is shown as “**Tushar Pannalal Sanghavi**” whereas his correct name is “**Tushar Pannalal Shingavi**”.

3 . The learned Counsel for the Petitioners submits that by this Petition, the Petitioners are praying to correct the names of parties as stated above. He submits that the Petitioners are not pressing other reliefs of the Petition.

4 . On the other hand, the learned Counsel Mr. Bhargude appearing on behalf of Respondents No. 3 and 4 vehemently opposed

the present Writ Petition. He submits that the Petitioners have alternate remedy under Section 257 of the Maharashtra Land Revenue Code, 1966. He further submits that when they filed the Revision Application No. 52 of 2015, the Petitioners failed to raise this objection about correct names of parties. Hence, there is no question of allowing the present Writ Petition.

5. I heard the learned Counsel for both the parties at length. It is to be noted that in the present proceedings, the present Petitioners are not challenging the impugned order passed by the Additional Commissioner, Pune Division, Pune. He is seeking correction in the title of the order showing the correct names of some of the Respondents.

6. Considering the submissions made by the learned Counsel for the Petitioners, the impugned order passed by the Additional Commissioner, Pune Division, Pune and as the Petition is filed under Article 226 and 227 of the Constitution of India, I am satisfied that the Petitioners have made out the case for allowing this Writ Petition. Hence, the following order:-

(A) The Writ Petition is allowed in terms of prayer clause (b), which reads thus :-

This Hon'ble Court be pleased to issue a Writ of Mandamus or any other Writ, order or direction in the nature of Mandamus thereby directing the Respondents herein to forthwith process the letter cum representation cum application made by the Petitioners for the correcting typographical mistakes in Judgment and Order dated 17.08.2015 and the impugned letter cum order dated 30.09.2015 rejecting the Application of the Petitioners to correct the names in the Judgment and order dated 17.08.2015 passed in RTS Revision No. 200 of 2014 and RTS Revision No. 52 of 2015 kindly be set aside.”

(B) Authority is directed to issue corrected copy of the Judgment and Order dated 17th August 2015 in RTS Revision No. 200 of 2014 and RTS Revision No. 52 of 2015 to parties.

(C) No order as to costs.

[K.K. TATED, J.]