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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1351 OF 2016

Arvind Ramu patel & ors. ...Petitioners
vs.
State of Maharashtra & Ors. ...Respondents

Mr.D.R.Singh i/b R.B.Singh & Associates for the
Petitioners
Mr.K.R.Trivedi, AGP for the respondent Nos.1 to 4.

CORAM : A.S.OKA, &
SMT.ANUJA PRABHUDESSAI,JJ.
DATE : DECEMBER 2, 2016

P.C.:

1 Heard the learned counsel for the petitioners. The petitioners are claiming to be legal representatives of one Bhayala Mangal Dubla @ Bhoyala Mangal. Reliance is placed on a certificate issued under section 32M of the Bombay Tenancy and Agricultural Lands Act,1948 in the name of the Bhayala Mangal who was a deemed purchaser.

2 The grievance made in this petition under Article 226 of the Constitution of India is that the Tahsildar has not entered the name of the said Bhayala Mangal in the Revenue records and therefore, the names of the petitioners who are claiming to be his legal representatives have not been entered. There is a reply dated 20th September 2016 filed by one Smt.Archana Mule, Tahsildar, Borivali, Mumbai. In the reply, it is stated that after obtaining

permission under section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948, the property subject matter of this petition has been sold by the said Bhayala Mangal to a third party and on the basis of the sale transaction, entries have been made in the revenue record of the name of Khatau Makhanji Spinning and Weaving Company Limited. The said entry was made vide Mutation Entry No. 572. It is pointed out in the reply that the petitioner had preferred an Appeal against the said Mutation Entry which has been dismissed. A Second Appeal has been preferred by the petitioner.

3 Unless the petitioners establish their right in respect of the property subject matter of this petition, their names cannot be entered in the revenue record. The remedy of the petitioners is to adopt appropriate remedy for establishing their rights.

4 Hence, a writ of mandamus as prayed for cannot be issued. The petition is misconceived. Writ petition is disposed of.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)