

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.921 OF 2016

Leela Wd/o Lalu Vaijal @ Warli

..Petitioner

Versus

The State of Maharashtra and others

..Respondents

Mr. P. R. Kadam for the Petitioner.

Mr. M. P. Jadhav, AGP for the Respondent Nos.1 to 4.

Mr. Y. K. Deshpande for the Respondent Nos.5 to 9.

CORAM : R. M. SAVANT, J.

DATE : 29th SEPTEMBER, 2016

PC.

1 The writ jurisdiction of this Court is invoked against the order dated 29.09.2015 passed by the Respondent No.1 as also the order dated 26.11.2012 passed by the Respondent No.2. However in effect the Petitioner is challenging the mutation entry effected in respect of CTS No.365/3 to 6 of village Ambivali, Taluka Andheri. The said mutation entry has been effected pursuant to the Letters of Administration issued to the Respondent Nos.5 to 9 by this Court. The challenge to the said mutation entry by the Petitioner has failed upto the State Government, though the Petitioner had initially succeeded before the First Appellate Authority i.e. the Superintendent of Land Records.

2 The Petitioner herein as also the Respondent Nos.5 to 9 claim to be the heirs of one Navashya Budhya Varthe alias Warli who was the original protected tenant of the land in question. The said Letters of Administration have been issued to the Respondent Nos.5 to 9 by this Court on 17.08.2004 in respect of the property of Navashya Budhya Varthe alias Warli. It seems that the Petitioner has filed Misc. Petition No.105 of 2016 in this Court challenging the said Letters of Administration issued to the Respondent Nos.5 to 9. The said Misc. Petition is to come up before a Learned Single Judge of this Court who has the said assignment. The above Petition was adjourned from time to time on the ground that the said Misc. Petition is pending and would be taken up for hearing. However, it appears that a copy of the said Misc. Petition has not even been served on the Respondent Nos.5 to 9 as on date. In fact the Learned Counsel for the Respondent Nos.5 to 9 is not even aware of any such Misc. Petition being filed.

3 The Learned Counsel for the Petitioner Mr. P. R. Kadam sought to rely upon various documents to demonstrate as to how the Letters of Administration have been obtained by the Respondent Nos.5 to 9 as also to demonstrate as to how the case of the Respondent Nos.5 to 9 that they are the heirs of the original protected tenant, cannot be accepted. The Learned Counsel also sought to tender a compilation of

documents in support of his contentions. This Court did not permit the Learned Counsel to rely upon the pleadings to which he sought to draw this Court's attention, as also tender the compilation of documents as they have no relevance to the challenge made to a mutation entry, especially having regard to the fact that the mutation entry has been effected pursuant to the Letters of Administration granted to the Respondent Nos.5 to 9, challenge to which Letters of Administration is pending before another Learned Single Judge of this Court. The pleadings and documents may have relevance, if at all, in the said proceedings. If the Petitioner succeeds in the said proceedings, obviously the same would have an impact on the mutation entry which is effected in favour of the Respondent Nos.5 to 9. The Petitioner then can obviously approach the Revenue Authorities for taking corrective measures on the said basis. It is therefore not necessary for this Court in its writ jurisdiction to go into various aspects which would obviously entail an enquiry into disputed questions of fact. Hence there is no merit in the above Petition which is accordingly dismissed.

[R.M.SAVANT, J]