

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1926 OF 2016

Sanjay Devidasji Khobragade

-vs-

Smt.Indubai Devidas Khobragade and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.S.D.Malke, counsel for the petitioner.
Mr.S.M.Ukey, Addl.G.P.for the respondent No.3.

CORAM : SMT. VASANTI A. NAIK &
V. M. DESHPANDE, JJ.

DATE : 31.03.2016.

The only prayer made in the instant petition is for a direction to the respondent No.3-Naib Tahsildar to take the decision on the dispute entered in the dispute register, as early as possible, in view of the provisions of Section 150 of the Maharashtra Revenue Code.

The petitioner claims to have purchased the field property from the respondent Nos.1 and 2 on 31/08/2013 by a registered sale deed. The petitioner applied for mutation in respect of the field property to the Tahsildar on 28/10/2013. It is stated that a third party objected the application made by the petitioner and the dispute in regard to the application made by the petitioner was entered into the dispute register on 26/11/2013. It is the case of the petitioner that though the disputes entered into the dispute register are liable to be disposed of within a period of one year as far as possible in view of the provisions of Section 150(4) of the Maharashtra Land Revenue Code, the Tahsildar has not decided the dispute though the dispute is registered more than two years earlier. It is stated that an appropriate direction may be issued against the respondent No.3-Tahsildar.

It would not be necessary to issue notice to the respondent Nos.1 and 2 from whom the petitioner has purchased the

field property, as the dispute registered before the Tahsildar is not between the petitioner and the respondent Nos.1 and 2. Even otherwise, it would not be necessary to issue notice to the respondent Nos.1 and 2, as the relief sought by the petitioner is against the respondent No.3-Tahsildar, for a direction to decide the dispute as early as possible. The application of the petitioner for mutation of his name in the Revenue Record needs to be decided by the Tahsildar as early as possible. Even the disputes registered on an application for mutation, are liable to be decided within a period of one year, as far as possible. If that be so, it would be necessary to issue a direction to the respondent No.3 to decide the dispute as early as possible.

Hence, for the reasons aforesaid, the writ petition is allowed. The respondent No.3 is directed to decide the application filed by the petitioner as early as possible and positively within a period of four months, after hearing the petitioner, the respondent Nos.1 and 2 and the disputant.

Order accordingly. No costs.

JUDGE

JUDGE