

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

WRIT PETITION NO.3544/2016

Kailashnath s/o Shambhudayal Gupta

...Versus...

The Chief Executive Officer, Zilla Parishad, Nagpur, District : Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M. Anil Kumar, Advocate for petitioner
Shri S.N. Gaikwad, Advocate for respondent nos.1 and 2
Shri A.D. Dangore, Advocate for respondent no.3

**CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.**

DATE : 15.12.2016

By this petition, the petitioner has challenged the order of the respondent no.3, refusing to mutate the name of the petitioner on Plot no.5, in village Yerkheda.

The petitioner claims to be the owner of the land, having purchased the same vide sale-deed, dated 16.8.1984. According to the petitioner, though the petitioner had applied to the Grampanchayat for mutation of his name in respect of Plot no.5, for one reason or the other the Grampanchayat is refusing to mutate the name of the petitioner. It is stated that recently the Grampanchayat has passed a Resolution that the name of the petitioner cannot be recorded in respect of Plot no.5 as a writ petition bearing Writ Petition No.3222/2012 pertaining to the

property is pending and shops are constructed by the Grampanchayat on the said land.

We had called for the record of Writ Petition No.3222/2012 and we find that the writ petition has nothing to do with the claim of the petitioner to Plot no.5 in village Yerkheda. The Grampanchayat, therefore, cannot reject the application of the petitioner on that ground. The Grampanchayat would be required to decide the application of the petitioner in accordance with law and allow or reject the same by recording reasons.

Shri Dangore, the learned Counsel for the Grampanchayat states that if the petitioner makes an application and files the necessary documents in support of the prayer, the Grampanchayat would decide the same within a reasonable time.

In view of the statement made by the learned Counsel for the Grampanchayat, we dispose of the writ petition with liberty to the petitioner to file an appropriate application for mutation before the Grampanchayat within one month and with a direction against the Grampanchayat to decide the same in accordance with law, within two months from the date of receipt of the same.

Order accordingly. No costs.

JUDGE

JUDGE