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

WRIT PETITION NO. 4913 OF 2016

Madhukarraoji s/o Rupraoji Adhau

-vs-

State of Maharashtra, through its Secretary, Department of Revenue and others

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

Mr. B.N.Jaipurkar, counsel for the petitioner.
Mrs. G.Tiwar, AGP for the respondents.

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

DATE : 22.11.2016.

By this writ petition, the petitioner has sought a direction against the respondent-Tahsildar to take appropriate decision in the matter of mutation of the name of the petitioner in the revenue records.

The petitioner had applied before the Tahsildar for mutation of his name in the revenue records by cancelling the recorded entries. According to the petitioner, the Tahsildar cannot reject the application of the petitioner for mutation of his name in the revenue records by holding that he would not have jurisdiction to decide the question of validity of the sale deed and cancel the recorded entries. It is the case of the petitioner that it would be incumbent on the part of the Tahsildar to decide the matter on merits.

Mrs. Tiwari, the learned Assistant Government Pleader appearing for the respondents, states that the petitioner has an alternate remedy of filing an appeal before the Sub-Divisional Officer, under the provisions of the Maharashtra Land Revenue Code, if he aggrieved by the order of the Tahsildar. It is stated that instead of availing the alternate remedy, the petitioner has filed the writ petition seeking a direction against the Tahsildar to decide the application. It is stated that the application of the petitioner is decided by the order dated 30/03/2016 and it is held that the earlier entries were correctly recorded.

On a reading of the writ petition and on a perusal of the order dated 30/03/2016, it appears that it would be necessary for the petitioner to file an appeal by availing the alternate remedy under the provisions of the Maharashtra Land Revenue Code. The petitioner had challenged the validity of the sale deeds that are executed in favour of some other persons and mutation entries recorded in their names. The Tahsildar has held in the order dated 30/03/2016 that it would not be appropriate for the Tahsildar to decide about the correctness or otherwise of the validity of the sale deed. The Tahsildar has observed in the order dated 30/03/2016 that the earlier entries are correctly recorded on the basis of the sale deeds, the validity of which cannot be tested in the proceedings before the revenue authorities. If the petitioner is aggrieved by the order of the Tahsildar, dated 30/03/2016, the petitioner is free to file an appeal under the provisions of the Maharashtra Land Revenue Code.

In view of the existence of an alternate efficacious remedy, we decline to entertain the writ petition. The writ petition is dismissed with no order as to costs.

JUDGE **JUDGE**

KHUNTE