

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

CIVIL APPLICATION (CAW) NO.2070/2016

IN
WRIT PETITION NO.3150/2014 (D)

Juma Masjid Trust through Mohd. Salim Mohd. Ishaque and others

..Vs..

Abdul Aziz s/o Mohd. Shah and others

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : 6.10.2016.

Heard Shri A. Shelat, Advocate for the applicants/original petitioners, Shri R.L. Khapre, Advocate for non-applicant/original respondent Nos.1, 2(C), 2(D) and 3 to 6 and Shri M.A. Kadu, A.G.P. for non-applicant/original respondent No.7. Respondent Nos.2(A) and 2(B) were deleted in writ petition.

This application is filed by the original petitioners seeking correction in the judgment given in Writ Petition No.3150/2014 on 11th July, 2016. The learned Advocate for the original petitioners has submitted that the contention of petitioners in the writ petition was that the order passed by the District Superintendent of Land Records on 18th May, 2011 was not sustainable as he had not granted hearing to

the petitioners on merits of the matter. The submission was that there was delay in filing appeal before the District Superintendent of Land Records and, therefore, an application praying for condonation of delay was filed and after hearing the parties on the application praying for condonation of delay, the delay was condoned and without fixing the matter for hearing on merits, appeal was decided by the District Superintendent of Land Records. The petitioners had challenged the order passed by the District Superintendent of Land Records before the Deputy Director of Land Records, however, the appeal was dismissed and, therefore, the petition was filed.

At the time of hearing of this application, the learned Advocate for the non-applicants/respondent Nos. Nos.1, 2(C), 2(D) and 3 to 6 submitted that the non-applicant Nos.1, 2(C), 2(D) and 3 to 6 have no objection if the matter is remitted to the Taluka Inspector of Land Records for passing appropriate orders regarding mutation again, after hearing both the parties. Shri A. Shelat, Advocate for the original petitioners accepts the proposal given by the learned Advocate for the respondent Nos.1, 2(C), 2(D) and 3 to 6.

Hence, the following order:

- (i) The judgment dated 11th July, 2016 is **recalled**.
- (ii) The orders passed by the Deputy Director of Land

Records and District Superintendent of Land Records are set aside and the matter is remitted to the Taluka Inspector of Land Records, Achalpur for taking mutation entry afresh after hearing the parties.

(iii) The parties undertake to appear before the Taluka Inspector of Land Records on 21st November, 2016.

(iv) The Taluka Inspector of Land Records shall consider all the points raised before him by the parties.

The application and the petition are **disposed** in the above terms.

In the circumstances, the parties to bear their own costs.

JUDGE