

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11053 OF 2015

KISHOR RAMESH PANDILWAR
VERSUS
PANDIT DIGAMBAR DESHMUKH AND OTHERS

...

Advocate for Petitioner : Shri Bilolikar Upendra B..
Advocate for Respondent 1 : Shri R.K.Ashtekar h/f Shri D.N.Gilche.
AGP for Respondent 2 to 4/ State : Shri S.K.Tambe.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 01st September, 2017

Per Court:

1 After hearing the learned Advocates for the respective sides
on 09.08.2017, I had passed the following order:-

- "1. *The petitioner is aggrieved by the order passed by the Additional Collector, dated 11.2.2015 and the Additional Commissioner dated 8.7.2015, by which, the mutation entry in favour of the petitioner has been set aside.*
2. *The petitioner submits that respondent No.1 Pandit has sold his entire share in land Gut No.175 to Jayashri and Suhas and Bharat and Ahmed. The petitioner has purchased the said land from Jayashri. Consequentially, the respondent Pandit has no share of land available in Gut No.175.*
3. *Learned counsel for respondent No.1 seeks time to take instructions as to whether any share which has rightfully come to him is still a part of the land in Gut No.175 and which is not sold to Jayashri or Suhas or*

- Bharat or Ahmed.*
4. *S.O. to 1.9.2017 in the Supplementary Board. Respondent No.1 shall file an affidavit on/or before 24.8.2017, failing which, the statement made by the petitioner would be accepted.”*

2 Learned Advocate on behalf of Respondent No.1, submits on the basis of the affidavit filed by Respondent No.1 (Pandit Digambar Deshmukh) dated 20.08.2017 that though it is not expressly stated by Respondent No.1 in the affidavit, he submits, on instructions, that Respondent No.1 does not hold any share in the land Gat No.175 after his entire share has been sold initially to Jayashri.

3 It needs mention that Jayashri is not party to this litigation. All throughout, an objection was being raised by Respondent No.1 to the Mutation Entry No.793. The mutation entry in favour of Jayashri earlier was 478.

4 Considering the above, this Writ Petition is allowed. The impugned orders dated 08.07.2015 passed by the Additional Commissioner and dated 11.02.2015 passed by the Additional Collector stand set aside. Mutation Entry No.793 in respect of Gat No.175 in Survey No.74 at Shekapur, Taluka Udgir, District Latur to the extent of 1 H and 47 R is sustained.

5 However, it is clarified that since this litigation has concluded in the order of this Court passed today and as Jayashri or any other person

was not a party to the litigation, in the event any grievance by any person except Respondent No.1 (Pandit) is raised in connection with Mutation Entry No.793, the competent authority shall consider the same on it's own merits and in accordance with law.

kps

(RAVINDRA V. GHUGE, J.)