

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3035 of 2014

Digambar s/o Narhari Satpute

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.R.N. Bharaswadkar advocate for the petitioner

Mr.S.K. Tambe AGP for Respondent Nos.1 & 6

Mr. S.B. Ghute advocate for respondent Nos.2 to 5.

CORAM : **RAVINDRA V. GHUGE, J**

(Date : 28th July, 2017.)

PER COURT :-

1 By this petition, the petitioner has challenged the order dated 26.6.2013, delivered by the Deputy Commissioner, Aurangabad, by which his Revision Application was dismissed and the order of the Additional Collector, Parbhani dated 31.1.2017 has been sustained.

2 The issue is, as regards the mutation entry No.203 recorded in 1977, followed by the mutation entry No.527/80 and 2824/11. The basic challenge is to the initial mutation entry of 1977.

3 The thrust of the petitioner's submission is that, he was a minor and as such, could not have questioned the first mutation entry. After attaining the age of majority, he has posed his challenge.

4 The record, however, reveals that, a mutation entry standing for 29 years has been challenged and the petitioner was 22 years of age when the mutation entry of 1977 was effected. There is no explanation, in so far as this delay of 29 years is concerned, except that the petitioner contends that, he was never served with any notice by the Tahsidlar before effecting the revenue entry.

5 This Court in the matter of **Shrikant R.Sankanwar and others versus Krishna Balu Naukudkar** (2003(3) BCR 45) has laid down the law that, the mutation entry is purely for revenue and taxation purpose. It does not decide the right, title or interest in a property.

6 The apprehension of the petitioner is that, on the strength of the mutation entry, a portion of his land may be acquired illegally, by the respondents and that would deprive him of the said portion of the land.

7 I find that the apprehension is misplaced for the reason that, the Honourable Apex Court has crystallized the law that, the possession of any person in any immovable property cannot be taken away and he cannot be dispossessed, except by following the due procedure of law.

8 Considering the above, I do not find that the impugned orders can be termed as being perverse or erroneous. This petition being devoid of merit, is dismissed.

(RAVINDRA V. GHUGE , J)