

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

WRIT PETITION NO. 11206 OF 2017

**GANESH SHANKARRAO WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Advocate for Petitioner : Shri V.M. Maney.
AGP for Respondent Nos. 1 to 3 : Shri S.N. Kendre.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 13th September, 2017

PER COURT :

1. This matter was not on board. A motion was moved by the learned advocate for the petitioner expressing grave urgency. Hence, it is taken on the production board.
2. The petitioner is aggrieved by the order dated 07/09/2017, by which, the Additional Commissioner, Aurangabad has declined to grant interim relief to the petitioner in his Revision under Section 257 of the Maharashtra Land Revenue Code.
3. Learned AGP appearing for the state authorities submits on the basis of a communication received from respondent No. 1, dated 13/09/2017, that the proceedings pending before the state authority

would be decided within four months. Learned counsel for the petitioner submits that there is every possibility that respondent No. 4 might alienate the property only on the basis of the wrong mutation entries in her favour.

4. Considering the law laid down by this Court in the matter of Shrikant R. Sankanwar and others Versus Krishna Balu Naukudkar [2003 (3) BCR 45], a mutation entry cannot decide the right or title of any individual in the property. In my view, ends of justice could be met, by directing respondent No. 1 to decide the pending Revision and in the event the petitioner has any document to show or in view of changed circumstances can make out a case of probable alienation of the property at issue at the hands of respondent No. 4, he would be at liberty to request respondent No. 1 for protective orders.

5. Considering the above, this petition is disposed of with the following directions :

(A) Respondent No. 1 shall decide the pending proceedings No. 274/2017 filed by the petitioner on/or before 30th November, 2017.

(B) In the event, the petitioner apprehends a grave possibility of alienation of the property at the hands of respondent No. 4

herein, he shall make an application for protection and respondent No. 1 shall then consider the same on its merits.

(RAVINDRA V. GHUGE, J.)

S.P.C.