

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1923 OF 2017**

Mr. Kailash Avinash Dalimbe .. Petitioner
versus
Tahsildar Daund Dist: Pune & Ors. .. Respondents

Mr. Y. J. Master i/b. Mr. Prakash Mahadik for Petitioner.
Mr. V. N. Sagare – AGP for State.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M. S. SONAK, J.**

DATE : 07 NOVEMBER 2017

P.C.:

1] Heard Mr. Y. J. Master for the petitioner and the learned AGP for the State.

2] The petitioner, challenges mutation entry, in terms of which, his name stands deleted from the survey records. Learned counsel for the petitioner states that the original entry in the survey record was on basis of a registered sale deed. The impugned entry by which his name has been deleted was made without affording an opportunity of any hearing to the petitioner.

3] The petitioner, instituted an appeal before the first appellate authority, which has since been dismissed by order dated 2nd September 2013.

4] The petitioner has alternate and efficacious remedies available to him under the Maharashtra Land Revenue Code. The petitioner, has chosen not to avail such remedies. There is absolutely no explanation in the petition as to why such remedies were not availed.

5] That apart, this is a matter which relates to entries in survey records. The settled position in law that merely entries in survey records are not determinative of the title of the parties to the property in question. This means that the petitioner, also has remedies available to him by instituting appropriate proceedings before the civil court in order to protect his alleged title to the suit property.

6] For the aforesaid reasons, we do not deem it appropriate to entertain the present petition. The petitioner, is at liberty to avail the remedies as available under the law for redressal of his grievances.

7] With the aforesaid observations, this petition is disposed of. There shall be no order as to costs.

(M. S. SONAK, J.)

CHIEF JUSTICE