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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7312 OF 2016

Pandharinath Balya Ghoparkar ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

Mr.S.J.Chaurasia i/b Ashoka Law Firm for the
Petitioner
Mr.Mansih Pabale, AGP for the respondent Nos.1 to 3
Mr.Sameer Nakul Patil for respondent No.4

CORAM : A.S.OKA, &
A.K.MENON, JJ.
DATE : MARCH 31, 2017

P.C.:

1 Heard the learned counsel for the petitioner.
The prayers (a) and (b) are the only substantive
prayers which read thus:

“(a) that this Hon'ble Court be pleased to
issue a Writ of Mandamus, or any other Writ
of like nature and/or directions in the
nature of Mandamus directing the Respondent
Nos.3 to decide the Petitioner's Application
under section 32-G in respect to the said
land, i.e land admeasuring 50 Gunthas
forming part of larger plot of land, bearing
Survey No.84, Hissa No.1, Village Dapoli,
Taluka Panvel, District Raigad onmerits at
the earliest;

(b) that this Hon'ble Court be pleased to

issue a Writ of Mandamus, or any other Writ of like nature and/or directions in the nature of Mandamus directing the Respondent No.2 to revoke, cancel and revert the mutation entry No.507 in respect of the said land, i.e land admeasuring 50 Gunthas forming part of larger plot of land, bearing Survey No.84, Hissa No.1, Village Dapoli, Taluka, Panvel, District Raigad."

2 Annexure to the petition show that entry of the name of the City and Industrial Development Corporation of Maharashtra Limited (for short "CIDCO") has been made long back. In fact, mutation entry No.1587 is annexed to the petition on page 38. Mutation entry No.1587 shows that on 5th March 2012 an entry was made of the name of CIDCO in the Kabjedar column of the 7/12 extracts. The mutation entry No.507 is of 3rd October 1959 which shows that the entry is made in the revenue record the said land as a Government fallow Land.

3 The first prayer is as regards the application made by the petitioner in the year 2016 under section 32-G of the Bombay Tenancy and Agricultural Lands Act, 1948 for declaring the petitioner as a deemed purchaser. It is too late in the day now to make such an application especially when in the year 1959, an entry in the revenue record was made as Government fallow Land. In exercise of the power under Article 226 of the Constitution of India, no such direction can be issued to give out of turn

priority to the hearing of the said Application.

4 As far as the prayer (b) is concerned, mutation entry No.507 has been effected in the year 1959. Based on the said entry, subsequently, the land has been transferred to CIDCO. Hence, the relief as prayed for in terms of prayer clause (b) cannot be granted. Hence, writ petition is rejected.

(A.K.MENON,J.)

(A.S.OKA,J.)