

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION st. NO. 23972 OF 2016
IN
WRIT PETITION No. 7676 OF 2016

Ashok Tukaram Jadhav.

..Petitioner.

Versus

Ramesh Dinkar Kadam and 12 Others.

..Respondents.

Mr. P. S. Dani, Senior Advocate with Mr. Manoj Badgujar for the Petitioner.

Mr. R. A. Thorat, Senior Advocate with Mr. Pandit Kasar for Respondent Nos. 1 to 3.

Ms. R. A. Salunkhe, AGP for the Respondent – State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **December 8, 2017.**

P. C. :

1. The petition is filed for review of the order dated 28th July 2016 passed in Writ Petition No. 7676 of 2016. On 28th July 2016, the said writ petition was placed for hearing when the learned AGP, on instructions, made a statement that name of the writ Petitioner is mutated in the 7/12 extract. He tendered copies of mutation entries and 7/12 extracts. In the light of statement made by the learned AGP, the learned Senior Counsel for the Petitioner stated that grievance of the Petitioner no more survives. In that view of the matter, Court held that petition was rendered infructuous and the same was accordingly disposed of.

2. The learned Senior Counsel appearing for the review petitioner today points out that mutation entries in respect of the subject land were effected in view of the letter of the Government Pleader addressed to SDO, Pune and Tahsildar, Pune, being letter dated 22nd July 2016, copy of which is annexed at page 50, Exhibit-F to the petition. By the said letter, the learned AGP has informed the SDO and the Tahsildar that this Court had directed him to convey to the Talathi to record the name of the Petitioner immediately.

3. We clarify that the authorities / officers while effecting mutation entries are expected to follow the due procedure laid down under the law. In any case, the review Petitioner, if aggrieved, is always at liberty to challenge the mutation entries in respect of the subject land by filing appropriate proceedings. In the event, such proceedings are filed by the review petitioner, the same shall be decided in accordance with law. All points and contentions in this regard are expressly kept open.

4. Subject to above, review petition is disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]