

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO. 27584 OF 2016**

**Ravindra Jeevan Nagarkar
Vs.
Dinesh Bapu More & Ors**

**..Petitioner
..Respondents**

**Mr. S. P. Sarnath for the Petitioner
Mr. D. B. Shinde for the Respondent No.1
Mrs. V. S. Nimbalkar AGP for the Respondent Nos.17 & 18**

**CORAM : R. M. SAVANT, J.
DATE : 24th MARCH, 2017**

P.C.

1 The order dated 18-4-2016 passed by the District Superintendent of Land Records, Sangli, condoning the delay of about 42 years which has occurred in filing of the Appeal by the Respondent No.1 herein is taken exception to by way of the above Petition.

2 The dispute is in respect of the mutation entry effected in respect of the land in question in favour of the Petitioner. The Respondent Nos.1 to 9 claim to belong to the Matang Community which according to the Learned Counsel for the Petitioner is a Scheduled Caste. It is the case of the Respondents that the land covered by the said mutation entry is being used as a burial ground by the said community and that it is on the basis of the mutation entry effected in favour of the Respondent No.10 from whom the Petitioner claims to have purchased the land in question that the Petitioner is

obstructing the Respondents. The delay has been condoned by the District Superintendent of Land Records, Sangli, on the ground that the issue being such namely that the Matang Community claims that it is a burial ground for the said Matang Community that the delay according to the District Superintendent of Land Records, Sangli, was required to be condoned. It seems that there is also a report of the Tahsildar that the said land is being used as a burial ground by the Matang Community.

4 Be that as it may, it seems that the Petitioner has already filed a Civil Suit being Regular Civil Suit No.313 of 2011 for asserting his rights over the land in question and in which Suit according to the Learned Counsel for the Petitioner an injunction has been granted in favour of the Petitioner on 16-11-2011 by the concerned Court. In my view therefore, it is in the said Suit that the rights between the parties in respect of the said land would be adjudicated. The instant proceeding being only in respect of the mutation entry, the same would not have any effect in respect of the title over the land claimed by the respective parties. In view of the Suit which is already filed by the Petitioner, it is not necessary for this Court to exercise its Writ Jurisdiction in respect of the order passed by the District Superintendent of Land Records, Sangli, condoning the delay. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]