

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

975 WRIT PETITION NO. 11496 OF 2016

HARI SOPAN UBALE

..PETITIONER

VERSUS

DADARAO PARAJI GAIKWAD AND ORS

..RESPONDENTS

Mr. K.R. Doke & Mr. S.K. Doke, Advocate for Petitioner.

CORAM : SUNIL P. DESHMUKH, J.
DATE : 31st July, 2018

PER COURT

1. The petition purports to pose challenge to orders dated 06-04-2016 and 12-09-2014 passed by the Hon'ble Minister whereunder, the application of the petitioner for cancelling mutation entry in favour of present respondents no.1, 2 and 3 stands turned down. Learned counsel for the petitioner contends that the sale deed in 1987 has been executed by his mother without obtaining prior permission of the Competent Court and as such, the same is void and inoperative and does not extinguish right of the petitioner to the immovable property. He, therefore, submits that in view of aforesaid, the mutation entry in

favour of the transferee, at the instance of his mother is not legal and proper and necessary correction deserves to be made by cancelling the said mutation entry, reverting the revenue record in favour of the petitioner.

2. Learned counsel refers to that looking at aforesaid, the Additional Commissioner had allowed the revision filed by the present petitioner, however, the same stands set aside under order dated 12-09-2014 passed by the Minister and under further order dated 06-04-2016 review application is rejected.

3. Perusal of said orders shows that it has been considered, as on the date, the sale deed in favour of present respondent has not been cancelled and correctness, legality or otherwise of the sale deed is not the province of the revenue authorities.

4. The order further refers to that the sale deed has not been subject matter of challenge for over 24 years and there have been lot of developments after the sale transaction.

In the circumstances, the review application as well referred to above stands rejected under order dated 06-04-2016 confirming the order dated 12-09-2014.

5. Having regard to that civil proceedings have already been initiated by the petitioner and reasons which have went into making of the impugned orders, it does not appears that it would be expedient to deal with the orders impugned in the present writ petition.

6. In view of the aforesaid, writ petition is disposed of.

[SUNIL P. DESHMUKH]
JUDGE

Mujaheed