

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4564 OF 2016**

Harishchandra Shivaji Pundikar & Ors.

....Petitioners.

Vs.

Shri Ravindra Shamrao Sankpal & Ors.

....Respondents.

Mr. N.P. Dalvi with Mr. Sangharsh Waghmare for the Petitioners.

Mr. B.V. Savant, AGP for the Respondents.

**CORAM : S.C.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.****DATE : 5TH MARCH, 2018.****P.C.:-**

The Petitioner and the Advocates were absent on five earlier occasions i.e. on 16th November 2016, it was mentioned out of turn and it was adjourned to 11 January 2017, on which date it could not be taken up. Thereafter, the matter appeared on 9th August 2017 and on that date also it could not be taken up. This matter has been on our Board and on 26th February 2018 it was listed, but due to paucity of time, it was not taken up. Today it is taken up and we have heard Shri Dalvi learned Counsel appearing for the Petitioners.

2 We do not see how in a Petition which has been filed on 3rd September 2015, we can grant the relief, particularly setting aside of an order passed on 17 December 2012.

3 A copy of that order shows that it was passed on a request to delete the name of one Digambar Ganpati Gurav from the Column of Crop Cultivation in the 7/12 extract pertaining to a immovable property or agricultural land. Against this order, a Appeal could have been filed to the Authority namely the Appellate Authority under the Maharashtra Land Revenue Code, 1966.

4 We do not see how a Petition under Article 226 of the Constitution of India can be maintained, given the number of alternate and equally efficacious remedies under the Maharashtra Land Revenue Code, 1966 and even otherwise, when the deletion or insertion of names in the 7/12 extract, does not conclude the issue of right, title and interest in the immovable property. That can be asserted by filing a Suit in a Competent Civil Court. That Suit can be decided uninfluenced by the mutation entries or any order in relation thereto.

5 The Writ Petition is entirely misconceived and is accordingly dismissed.

PRAKASH D. NAIK, J

S.C.DHARMADHIKARI, J.