

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3239 OF 2010

Shaikh Rajjak Shaikh Chand

..... Petitioner

VERSUS

Vedprakash Taneja & Ors.

..... Respondents

Mr.T.D.Deshmukh for the Petitioner.

Mr.Pankaj Das for the Respondent nos. 1 and 2.

Mr.Jay Joshi, i/b. I.R.Joshi & Co. for the Respondent no.3.

Mr.S.D.Rayrikar A.G.P. for the State – Respondent no.4.

CORAM : R.D. DHANUKA, J.

DATE : 30th JANUARY, 2018

P.C.

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 29th November,2008 passed by the Additional Collector (Appeal) Pune in RTS/2/A/118/2006.

2. A perusal of the record indicates that the mutation entry no.10209 was made and certified in respect of land bearing Survey Nos. 89/3, 89/2C, 89/2D and 89/2F. It is not in dispute that the respondents claims to be the owners only of 20 Aars from Survey no.55/2D/4. The Authority however has cancelled the mutation entry which was standing in the name of the petitioner in respect of the entire property.

3. Mr.Deshmukh, learned counsel for the petitioner has no objection if the order in respect of the mutation entry if is maintained insofar as land admeasuring 20 Aars from Survey No.55/2D/4 which is claimed to be owned by the respondents subject to the outcome of the civil suit filed by 55/2D.

4. In my view, the impugned order could not have been passed thereby setting aside the mutation entry insofar as the other lands referred to aforesaid are concerned. The impugned order is accordingly set aside insofar as the other lands excluding the land bearing survey no. 55/2D is concerned, subject to the outcome of the pending civil proceedings between the parties.

5. The parties to act on the authenticated copy of this order.

6. Writ petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]