

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 7537 OF 2015

Mahendra Karsandas Mehta

...Petitioner

Versus

The City Survey Officer
and others.

...Respondents

....

Mr. Clive D'souza, Advocate for the Petitioner.

Mr. C.D. Mali, A.G.P., for Respondents No.1, 2 and 4.

Mr. Jayesh Mestry i/b. RMG Law Asso. For Respondent No.3.

....

CORAM : R. G. KETKAR, J.

DATE : 22nd NOVEMBER, 2018

P.C.

1. Heard Mr.Clive D'souza, learned counsel for the petitioner, Mr.C.D. Mali, learned A.G.P. for respondents No.1, 2 & 4 and Mr.Jayesh Mestry, learned counsel or respondent No.3, at length.

2. This Petition takes exception to the order dated 30.4.2015 passed by the District Superintendent of Land Records, Mumbai Sub-urban District, Mumbai. By that order, the District Superintendent of Land Records dismissed the appeal preferred by the petitioner challenging the order dated 24.3.2014 passed by the City Survey Officer, Ghatkopar.

3. Section 247 read with Schedule E of the Maharashtra Land Revenue Code, 1966 provides for filing of an appeal and designates the Appellate Authorities. Against the order passed by the District Superintendent of Land Records, appeal is provided before the Director of Land Records or the Deputy Director of Land Records who may be invested with the powers of Director of Land Records by the State Government in that behalf.

4. Upon taking instructions, Mr D'souza states that within six weeks from today the petitioner will file appeal before the Director of Land Records challenging the order dated 30.4.2015 passed by the District Superintendent of Land Records, Mumbai Sub-urban District. He submits that if the appeal is filed within six weeks from today, the time spent by the petitioner from 2.7.2015 till date in prosecuting this Petition may be excluded from considering the issue of limitation. He further submitted that all contentions of the parties may be kept open.

5. In view thereof, on the motion made by Mr.D'souza, leave to withdraw the petition with liberty to file appeal before the Director of Land Records is granted. If the powers of Director of Land Records are invested with the Deputy Director of Land Records, in that event the Director of Land Records shall transmit the proceedings of the appeal

before the Deputy Director of Land Records. If the appeal is presented within six weeks from today, the time spent by the petitioner in prosecution this petition from 2.7.2015 till today shall be excluded while considering the issue of limitation as the petitioner was prosecuting this petition bonafide in this Court. It is made clear that I have not examined the merits of the case. All contentions of the parties in that regard are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)