IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11694 OF 2017

Parshuram Govind Patil … Petitioner
Vs.
The State of Maharashtra & Ors. … Respondents
......
Mr. Vadchetan Patil i/by Mr. Moses Sanjay Rodrigues for the Petitioner.
Mr. B. V. Samant, AGP for the Respondents-State.
......

CORAM : S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : JANUARY 08, 2018.

P.C. :

1. By this Petition under Article 226 of the Constitution of India, the petitioner seeks to challenge a Circular of the State Government dated 30th July, 2010.

2. That Circular, according to the petitioner, directs the Collector in cases covered by that Circular to hold an inquiry and to reverse the entries if the lands are found to be held or belonging to Deosthan. In the sense, no Deosthan could be divested of the right, title and interest in the property, save and except with the permission of the State Government and if any such transactions in relation to Deosthan lands have been brought to the notice of the competent authorities, such cases,

according to the petitioner's counsel, can be reopened and the lands restored to the Deosthan.

3. Pertinently, the petitioner rushes to this Court to challenge the Circular though in the same breath he says that there is a Mutation Entry bearing no.3282 recorded about the properties of the petitioner pursuant to certain untraceable order of the 4th respondent, whereby the petitioner's name has been deleted from the Revenue record and the 7/12 extract.

4. The petitioner's counsel does not dispute that the entry, particularly its deletion is challenged in the substantive proceedings. The petitioner also says that the lands belong to him and they are no longer Deosthan lands. The description of the land is given in paragraph 4 and then the Petition proceeds on the footing that there may be grants from the Government, but there are categories thereof. Meaning thereby, there could be a grant of soil or there could be a grant only of revenue. The grant of revenue was bestowed on individual Vatandars who had to perform services for the Government or to the community. The grants were also bestowed upon religious endowments for their maintenance. We do not see any reason to go on and undertake an academic exercise at the instance of the petitioner for the simple reason that the petitioner is disputing the factual position of the lands being Deosthan lands. If that is an issue which is pending consideration of the authorities, then, we should not presume at

this stage itself that the Circular comes in the way of the petitioner. In the event the petitioner does not succeed in his challenge to the Revenue/Mutation Entry and the relief to the petitioner as claimed by him is denied by relying upon this Circular of 30th July, 2010, then, while challenging all such final orders, the petitioner can impugn the Circular and challenge its legality and validity. Presently, the whole challenge is premature. The petitioner has ample remedies to get the Revenue Entry modified/reversed/deleted. The petitioner has also remedies available to him in general law to assert the right, title and interest in the land.

5. In view of the plural remedies available and the dispute being essentially factual, at this stage, we do not entertain the Petition. We keep the challenge to the Circular open for being raised by this very petitioner at an appropriate stage. The Writ Petition is disposed of.

(SMT. BHARATI H. DANGRE, J.) **(S. C. DHARMADHIKARI, J.)**