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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 1316 OF 2018

Gaurav S. Thakur	...Petitioner.
VS	
Ratnakar S. Todankar & Ors.	...Respondents

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Mr Vikram Jitgorewal i/b Tansin Monis for the Petitioner.
Mr R.D.Soni for Respondent Nos.1 to 3.
Mr Himanshu Takke AGP for Respondent Nos.19 and 22/State.

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**CORAM : R.D.DHANUKA, J.
APRIL 19, 2018.**

P.C. :

By this petition under Article 227 of the Constitution of India, the petitioner has impugned the order dated 22nd February, 2018 passed by the Maharashtra Revenue Tribunal ("MRT") Mumbai.

2 By the impugned order the Tribunal has allowed the appeal filed by the respondents and has set aside the order of the learned Superintendents of Land Records dated 25th April, 2014 to the extent of clause No.1. The Tribunal

has directed that the M.E. No. 97/99 is to be corrected by incorporating the names of the respondents herein in CTS F.P. No. 882A, 882B, 882D. The Learned Superintendent has granted liberty to the parties herein to exhaust their remedy in respect of clause No.2 of the order of the learned Superintendent. The Tribunal has referred to the order passed by the Superintendent of Land Records and more particularly paragraph 3 thereof stating that the earlier Superintendent had confirmed that M.E. No.97/99, which appear to be defective shrouded with doubts, however, according to him, since it was effected by the then Superintendent, he had no scope to deal with the same.

3 Learned counsel for the petitioner submits that the Tribunal did not have jurisdiction to entertain the said appeal No. 215 of 2014 filed by the respondents. The next submission of the learned counsel is that the mutation entry was effected in the year 1999 in respect of F.P.No.882, and the appeal was preferred beyond the period of limitation. He submits that this issue was though raised by the petitioners before Tribunal the same has not been dealt with in the

impugned order.

4 Mr Soni, learned counsel for respondent nos. 1 to 3, on the other hand, invited my attention to the judgment of this court dated 20th April, 2009 in Writ Petition No. 3570 of 2008 holding that the earlier judgment of this Court in the case of **Subherdevi Chandradeo Varma Vs. Indramani Gangaprasad Varma** reported in **2003(3) Mh. L.J. 386** wherein it was held that the appeals filed within the city of Mumbai must be preferred before Maharashtra Revenue Tribunal. In my view the said judgment will apply to the facts of this case. There is no merit in the submissions of learned counsel for the petitioner that the proceedings filed by respondent nos.1 to 3 were not maintainable.

5 Insofar as the issue of limitation is concerned, it is the case of the respondent nos.1 to 3 that the plot of the petitioners bearing F.P. Nos. 882 was got amalgamated by the petitioners without any notice to the respondents. The respondents came to know about such mutation entry only in the year 2011. The respondents accordingly filed the proceedings before the Superintendent of Land Records. He

however rejected the said application on the ground that the mutation entry was effected by his predecessor and thus he could not change the said mutation entry. Learned Tribunal has considered all these aspects in the impugned order and has partly set aside the mutation entry insofar as the Final Plot of the respondents are concerned. It is not in dispute that the respondents were not made parties in the earlier application made by the petitioners for change of the mutation entry and the said entry was obtained without knowledge of the respondents.

6 I do not find any substance in the issue of limitation raised by the petitioner before this court or even before the Tribunal. Learned counsel for the petitioner does not dispute that the respondents were not made parties to the application for change of the mutation entry pursuant to which their claim was recorded in the mutation entry.

7 The order passed by the Tribunal is reasoned order. I do not find any reason to interfere with the impugned order passed by the Tribunal. The findings rendered by the Tribunal are not perverse so as interfere in

the writ jurisdiction of this Court under Article 227 of the Constitution of India. The Writ Petition is devoid of merit and is, accordingly, dismissed. No order as to costs.

(R.D.DHANUKA, J.)