

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

67 WRIT PETITION NO.3591 OF 2018

DR ANANT DIGGAMBER KALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr.Deshmukh Shambhuraje V
AGP for Respondents State: Mr. A. B. Chate

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 19th March, 2019

PER COURT :

1. The petitioner assails the order dated 05.03.2018 directing to enter name of the State Government in the revenue record. Grievance of the petitioner is that without offering proper opportunity of hearing, the order has been passed. Reference is made to the order of this Court dated 29.02.2016 in Writ petition No.9454/2015, wherein, it was directed the mutation entries standing in the name of the petitioners shall not be changed without notice to the petitioner and without hearing the petitioner.

2. Notice was issued to the petitioner. The petitioner sought time on the first date. On the second date, Tahsildar was not available. On the third date,

the petitioner was directed to produce documents on 1st March, 2018 and on 1st March, 2018 order is passed.

3. The grievance appears to be that as per the Award, land Gat No. 681 to the extent of 9 Acre 15 R has been acquired, where as name of the petitioner has been deleted from 9 Hectare land.

4. As far as proceeding in revenue record is concerned, if entry has to be made pursuant to the acquisition proceedings, that is any right acquired pursuant to the permission of the Collector and as per section 149 of the Maharashtra Land Revenue Code, the authority is empowered to make an entry to that effect. The dispute appears to be about the exact area of acquisition i.e. 9 hectare or 9 Acre.

5. Considering the above, we are inclined to grant one more opportunity to the petitioner to put forth his record before the Tahsildar, Tuljapur.

6. The petitioner may appear before the Tahsildar Tujlajpur on 2nd April, 2019 and place the documents on record and put-forth his stand.

7. The Tahsildar, Tuljapur shall take into consideration the stand put forth by the petitioner and take fresh decision in the matter expeditiously, preferably within three months from the date of appearance of the petitioner.

8. While taking fresh decision, the impugned order would not be an impediment.

9. Writ petition is disposed of. No costs.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC