

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5148 OF 2019

KACHRU TABAJI PALANDE
VERSUS
BABAI LAHANU DIGHE AND OTHERS

...
Mr. K.N. Shermale, Advocate for petitioner
Mr. A.V. Deshmukh, AGP for respondents no. 13 to 16
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 20-11-2019

ORDER :

1. Heard learned counsel for petitioner and learned Assistant Government Pleader.

2. Perusal of the orders passed by authorities under Maharashtra Land Revenue Code, 1966 hitherto would show that property belonging to Tabaji Sayaji Palande is claimed to have been descended on two sons, two daughters and his wife and, accordingly, mutation entry bearing no. 4369 had taken place. Subsequently, Renubai - wife of deceased Tabaji has purportedly distributed the land from *gat* no. 433 to the extent of 38 *Are* in favour of Sukhdeo and 40 *Are* from land *gat* no. 437 in favour of Kachru and, accordingly, mutation entry bearing no. 5898 has taken place.

. Subsequently, Kachru and Sukhdeo appear to have dealt with the property selling same to respondent no. 1 and mutation entry no. 8526 accordingly has taken place. This mutation entry is taken exception to by present petitioner.

. Sub divisional officer as well as additional collector and the revisional authority – additional commissioner have dismissed the proceedings at the instance of present petitioner.

3. From aforesaid, it does not appear that the orders passed hitherto can be faulted with and, thus, are not liable to be interfered with. The petition therefore is not being entertained and is rejected.

4. At this stage, Mr. Shermale, learned counsel for petitioner purports to contend that petitioner being a tribal and the sale being in favour of non-tribal, same is not legal. He, therefore, urges this court to take the same into account. Such a contention had not been taken hitherto before any authority. It is for the petitioner to decide about the same. This petition would not be a remedy in such a case.

[SUNIL P. DESHMUKH]
JUDGE

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