

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 2852 OF 2019

Naseembi Kamruddin Sande

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr. Amit Borkar i/b Mr. Kalpesh Patil for the Petitioner.

Mr. K. S. Thorat, AGP for Respondent Nos.1 to 8.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.

DATE : 11th DECEMBER, 2019.

P. C. :

1. One Gani Ibrahim Patel was recorded owner of the subject land referred to in paragraph 4 of the Writ Petition. On his death in the year 1944, he was survived by his wife, his son and four daughters; one of whom passed away in the year 1965. As happens in India, the male brothers played a fraud on the sisters and in the revenue record obtained fiscal entries in their name. When the sister realises, litigation ensues. This happened in the instant case. The heirs of Gani Ibrahim Patel litigated under Regular Special Civil Suit No. 15/1973 in the Court of Civil Judge, Senior Division, Satara.

2. The suit resulted in a compromise decree being passed on 04.09.1975. The subject properties came to be separated as claimed in the Writ Petition as per compromise decree. The grievance is that an application was filed along with compromise decree before Respondent

No.7 who issued a notice on 14.01.2011 to the parties which could be affected by the mutation entry. Name of the Petitioner was mutated by Mutation Entry No. 5417. On the sister of the Petitioner passing away, a legal heirs sought mutation in the share in their names. Third parties intervened. The litigation terminated when order dated 31.12.2016 was passed. The grievance in the Writ Petition is that no final orders are being passed concerning the issue of mutation.

3. We dispose of the Petition directing that the representation made by the Petitioner for effecting mutation be disposed of.

4. If the Officers hold that the mutation cannot be effected, a reasoned order would be passed and communicated to the Petitioner so that the Petitioner can challenge the same. If no reason exists to deny the request for mutation, the same shall be affected.

5. Compliance would be made to this order within six weeks from today.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]