

pdp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10470 OF 2019

Javed Mohammad Khan

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Mr. Yatin Malvankar i/by Mr. R. B. Barge for Petitioner.

Mr. K. S. Thorat, AGP for Respondents.

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

DECEMBER 17, 2019.

P.C.

1. Relief prayed for by the Petitioner reads as under :-

“[A] That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India, 1950, in the light of the Order passed by this Honourable court in Writ Petition No. 709 of 2018 dated 14th September 2018 direct the Respondents herein to decide the representations which are made by the Petitioner herein dated 13th February 2017, 14th March 2017 as well as the representation dated 28th February 2017 as expeditiously as possible.”

2. The backdrop facts in which the relief prayed for are that 86 Ares land out of 1 Hectare and 78 Ares in Survey No.23/6 village Amral, Taluka – Mahabaleshwar, District – Satara was purchased by the Petitioner from the recorded owner Mohan Shripati Amrale vide registered Sale Deed dated 25th February, 2004. The Petitioner claims to be in possession of the property forming subject matter of the Sale Deed. It is the case of the Petitioner that the Sale Deed records in the recitals that the Petitioner is an agriculturist having agricultural land in the State of Madhya Pradesh. The Petitioner claims to have submitted an application on 20th November, 2004 to record his name in the revenue records and the same was allowed when vide Mutation Entry No. 1572 his name was recorded in the revenue records.

3. It is pleaded that an order came to be passed by the Revenue Officer thereafter cancelling the Mutation Entry recording two reasons. The first was that the seller has obtained a loan from the Maharashtra Rajya Sahakari Krushi Bank which was not repaid and secondly, that there was no evidence of the Petitioner being an agriculturist. Based thereon the Mutation Entry was revoked.

4. A Suit registered as Regular Civil Suit No. 73 of 2012 came to be filed seeking a declaration that the Sale Deed dated 25th February, 2004 was void. The Suit came to be dismissed vide order dated 8th September, 2016. It is the case of the Petitioner that as a result of the dismissal of the Suit he made representations praying that his name be re-entered in the revenue records and the grievance is that the said representations dated 13th February, 2017, 28th February, 2017 and 14th March, 2017 have not been decided.

5. Thus, we dispose of the Writ Petition directing the 3rd as well as 4th Respondent to sort out *inter se* as to who has to take cognizance of the representations and pass orders thereon. One of the two i.e. Respondent No.3 or Respondent No.4 shall thereafter decide the representations and pass necessary orders within eight weeks from today.

6. Needless to state if the order is in favour of the Petitioner that would be the end of the matter. If the order is against the Petitioner, he shall have remedy as per law.

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE