

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION (ST) NO.5682 OF 2018

Shree Gurudatta Shikshan Sanstha,
Kalwan Through its Chairman
Shri.Shailesh Jayesh Pawar
V/s.

..Petitioner

The State of Maharashtra
Ministry of Revenue Dept. & Ors.

.. Respondents

Mr.Tejesh Dande a/w Mr.Bharat Gadhavi, Mr.Vaibhav Kulkarni i/b
Tejas Dande & Associates for the Petitioner.

Mr.A.P. Vanarse, AGP for the Respondent Nos.1 and 4 to 7-State.

Mr.P.M. Joshi for Respondent Nos.2 and 3.

CORAM : C.V. BHADANG, J.

DATE : 17th DECEMBER 2019

P.C.

1. The learned counsel for the petitioner seeks leave to amend the petition. He has produced copy of the draft amendment, which is marked 'X' for identification. A copy of the draft amendment is served on the learned counsel for the respondents who have no objection for permitting the amendment to be carried out. Thus by consent of parties leave to amend is granted. Necessary amendment to be carried out forthwith.

2. The 2nd and 3rd respondent had challenged a Mutation Entry No.3707 taken in the name of the petitioner in respect of the subject land before the Sub Divisional Officer, Malegaon, District-Nashik ('SDO' for short). The SDO by an order dated 18th July 2016 directed the cancellation of the Mutation Entry No.3707. That was challenged by the petitioner, initially before the Additional Collector, Malegaon in RTS Appeal No.132 of 2016 which was rejected on 13th April 2017. The petitioner carried the matter before the learned Additional Commissioner, Nashik in RTS Appeal No.132 of 2016, under Section 247 of the Maharashtra Land Revenue Code ('Code' for short). The said appeal came to be dismissed on 23rd January 2018. Feeling aggrieved by these orders the petitioner approached the learned Minister for State (Revenue), Mumbai in a Revision Application. As the matter was not being heard the petitioner approached this Court by way of the present petition, seeking urgent interim reliefs. However, it appears that the during the pendency of the present petition the parties have amicably settled their dispute and have today produced consent terms on record, which are marked 'Y' for identification.

3. The signatory to the consent terms are personally present before the Court and admit correctness of the contents

thereof. It is a matter of record that the petitioner has purchased the land after obtaining the permission of the State Government on 16th August 2010. Perusal of the consent terms shows that an additional consideration has been agreed to be paid by the petitioner in the sum of Rs.37 lakhs which has been paid by a banker cheque dated 16th December 2019 in favour of Mr.Kashinath Gangurde who is original owner. The bankers cheque is handed over to the learned counsel for the respondent Nos.2 and 3. The consent terms further show that the respondent Nos.2 and 3 have agreed to withdraw their complaint made before the SDO, seeking cancellation of the Mutation Entry No.3707. The respondent Nos.2 and 3 now have no objection for restoration of the Mutation Entry.

4. By virtue of the amendment which is allowed today, the petitioners have challenged the concurrent orders passed by the authorities canceling the Mutation Entry No.3707 in favour of the petitioners. In such circumstances, by consent of parties the petition is disposed of in the following terms :-

ORDER

- (i) The petition is allowed in terms of prayer clause a(i).

(ii) the Mutation Entry No.3707 shall be restored within a period of six weeks from today.

(iii) The petition is disposed of in the aforesaid terms with no order as to costs.

[C.V. BHADANG, J.]