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

WRIT PETITION NO. 5027 OF 2019

Shri. Gopal Anand Salunkhe

.....Petitioner

V/s.

Shri. Bhau Shankar Kolekar and others

.....Respondents

Mr. Vinod P. Sanglikar for the Petitioner

Mr. D. S. Patil for respondent no. 1

Mr. S. L. Babar AGP for the State

CORAM : NITIN W. Sambre, J.

DATE : JULY 16, 2019.

P.C.

Heard.

2 The case of the petitioner is, the mutation entry which was ordered to be corrected in favour of respondent-landlord is contrary to the Scheme of Section 32 of the Fragmentation and Consolidation of Holdings Act, 1947 (Hereinafter referred to as 'the Act' for sake of brevity). According to him, without looking into the issue of limitation, order of correction of the Scheme is ordered.

3 The learned counsel for the petitioner submits that as Civil Suit is pending between the parties, it was expected of the Appellate Authority i.e. State Government to decide his Appeal on merit instead of disposing of same as infructuous. He would draw support from the Judgment of the Apex Court in the matter of **K. Pandurangan and Ors. Vs. S.S.R. Velusamy and Ors [AIR 2003 SC 3318]** particularly paragraph 8.

4 The aforesaid submissions are resisted by the learned counsel for respondent as according to him, the mutation is ordered pursuant to powers under Section 31A of the Act wherein no limitation is applicable. According to him, the corrigendum issued pursuant to the order under challenge is not questioned by the petitioner and that being so, petition is liable to be dismissed.

5 Considered submissions.

6 The petitioner is claiming his title through a Sale Deed executed in his favour by one of the shareholder.

7 There is no dispute as regards the status of respondents being landlord and they being shareholder in the property, same property is subject matter of the Suit at the behest of the petitioner.

8 So far as the claim of the petitioner as regards powers under Section 32 of the Act exercised at belated stage is concerned, in my opinion, if the powers are exercised under Section 31A of the Act for correcting a clerical mistake, the Statute does not provide for any limitation.

9 In the aforesaid background, having regard to the fact that at the behest of the petitioner Civil Suit is already pending wherein it is always open for the petitioner to agitate his claim qua his entitlement to the property in question. Hence, in my opinion, no case for interference is made out.

10 Petition stands dismissed.

[NITIN W. SAMBRE, J.]