

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7082 OF 2018

Suresh S. Nigade
(since deceased through Lrs.) ... Petitioners.

V/s.

Krishnarao K. Nigade and ors. ... Respondents.

Mr. N.P. Deshpande for the Petitioners.

Mr.P.P. More, AGP for the Respondent – State.

CORAM : R.M. BORDE AND V.L. ACHLIYA, JJ.

DATE : 7th FEBRUARY 2019.

P.C.:

1] An application tendered by the petitioner for recording correction in the revenue record has not been considered by the Revenue Authorities. The concerned Tahsildhar on the contrary by communication dated 17th April 2018 advised the petitioners to seek appropriate directions from the Civil Court. The communication by the Tahsildhar is firstly without application of mind and secondly is contrary to the provisions of Maharashtra Land Revenue Code, 1966. The entries in the revenue record shall have to be corrected in accordance with determination of the rights of the party by competent Civil Court. It is the contention of the petitioner that the competent Civil Court has already

determined the rights of the party and has ruled in favour of the petitioners. The Tahsildhar shall have to give effect to the judgment delivered by the Civil Court and it is not open for the Revenue Authorities to refuse or to perform their statutory obligation under such pretext.

2] In the circumstances, we direct the concerned Tahsildhar to record necessary corrections in accordance with law in pursuance to the application dated 1st April 2015 tendered by the petitioners and inform the petitioners accordingly, as expeditiously as possible and preferably within a period of four weeks from today and it is accordingly, directed.

3] In view of above directions, Writ Petition is disposed of.

(V. L. ACHLIYA, J.)

(R.M.BORDE, J.)