

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1476 OF 2019

SUBHASH RAMCHANDRA ALIAS)
CHANDRAKANT THOMBARE)...PETITIONER

V/s.

THE STATE OF MAHARASHTRA & ORS.)...RESPONDENTS

Mr.Sachin Pawar, Advocate for the Petitioner.

Dr.K.R.Kulkarni, AGP for the Respondent - State.

**CORAM : INDRAJIT MAHANTY &
A. M. BADAR, JJ.**

DATE : 14th AUGUST 2019

P.C. :

1 The learned counsel for the petitioner seeks permission to implead the Divisional Commissioner, Konkan Division, Navi Mumbai, as a party respondent to the instant petition. Liberty as prayed is granted. Amendment be effected forthwith.

2 The petitioner, by this petition, is praying for directing respondents to register the Mutation Entry as per the Consent terms dated 3rd February 2015 as recorded in order dated 5th March 2015 passed by the Additional Commissioner, Konkan Division, Mumbai, in Revision Application No.359 of 2014 and further to restore Mutation Entry bearing no.846 in respect of the subject property described in paragraph 1 of the petition.

3 We have heard the learned counsel for the petitioner as well as the learned AGP appearing for the State. It is noted by us that appeal filed by respondent Latabai Gajanan Thombare was allowed by the Sub-Divisional Officer by directing cancellation of mutation entry no.846 along with other further directions. The said order was carried in revision by the petitioner. During pendency of the revision petition, the parties entered into amicable settlement and filed consent terms under Exhibit A in RTS Revision No.359 of 2014. The Additional Commissioner, Konkan Division, Mumbai, took note of the consent terms but unfortunately instead of disposing off the revision petition in

terms of the consent terms, had directed the revision petitioner to withdraw the revision petition. That is how, the Mutation Entry at Exhibit J page 36 of the petition came to be passed.

4 We are of the view that when the parties had compromised the matter and had tendered consent terms before the revisional authority, the revisional authority ought to have considered the compromise and ought to have passed suitable orders by recording the compromise.

5 In this view of the matter, we set aside the order dated 5th March 2015 passed in Revision Petition bearing No.359 of 2014 by the Additional Commissioner, Konkan Division, Mumbai, and direct the said authority to decide the revision petition on its own merit, keeping in mind the compromise entered into between the parties. With this direction, the petition stands disposed off.

(A. M. BADAR, J.)

(INDRAJIT MAHANTY, J.)