IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4013 OF 2019

Uddhav s/o Gopalrao Pant
-vs-
Additional Commissioner, Amravati Division and ors.

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Shri A. M. Tirukh, Advocate for petitioner.
Smt M. A. Barabde, Assistant Government Pleader for respondent Nos.1 to 4.
Shri P. K. Mohta, Advocate for respondent No.5.

CORAM : A.S.CHANDURKAR, J.
DATE : September 30, 2019

The challenge raised in this writ petition is to the order passed by the revenue Authorities in proceedings for correction of the revenue records.

The dispute pertains to field Survey Nos.66 and 67 between the petitioner and his mother-respondent No.5. The aforesaid fields were initially standing in the name of the brother of the petitioner Madhav. After he expired on 04/08/2008 the name of the petitioner was entered in the 7/12 extract. The respondent No.5 moved an application on 09/05/2013 raising a grievance that the name of the petitioner has been wrongly entered in the revenue records. The Naib Tahsildar noticed that the name of the petitioner was entered without following the due procedure as prescribed by Rule 31 of the Maharashtra Land Revenue (Preparation and Correction of Revenue Records) Rules, 1971. That order has been thereafter confirmed by the Sub-Divisional Officer, Additional Collector and the Divisional Commissioner.

2. Shri A. M. Tirukh, learned counsel for the petitioner submitted that the Talathi had duly complied with the requirements of Rule-31(1 and 2) of the said Rules. Merely because the Tahsildar did not make enquiry in accordance with law while entering the petitioner's name, he could not be faulted. It is submitted that the petitioner was in possession of the lands at the relevant time and hence those entries were not liable to be disturbed.

3. Smt M. A. Barabde, learned Assistant Government Pleader and Shri P. K. Mohta, learned counsel for the respondent No.5 supported the impugned order. It was submitted that on finding that the prescribed procedure had not been followed that error has been corrected by the Authority.

4. On perusing the entire material on record, the petitioner has not been able to demonstrate that his name was entered in the 7/12 extracts after following the prescribed procedure. His grievance that he was not noticed when the application filed by the respondent No.5 was adjudicated does not take the matter further as setting aside that order would result in restoration of earlier orders found to be illegal. The Additional Commissioner after considering all the facts on record rightly dismissed the petitioner's application. I therefore do not find any reason to interfere with the impugned adjudication.

5. Needless to state that it is open for the petitioner to follow the due procedure if he desires to have his name mutated in the revenue record. The Writ Petition is dismissed with no order as to costs.

JUDGE

Asmita