

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

WRIT PETITION NO.6193/2019

Shrikrushna Wamanrao Behare

Vs

Additional Commissioner, Amravati Division, Amravati and others.

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

Court's or Judge's Orders.

Shri Vipul B.Bhise, Advocate for petitioner.

Mrs. M.A.Barabde, Assistant Government Pleader for respondent nos. 1 to 5.

Shri P.S.Patil, Advocate for respondent no.6.

CORAM : A.S.CHANDURKAR, J.

DATED : September 17, 2019

The challenge raised in the present writ petition is to the order passed by the Additional Commissioner dated 13.12.2018 by which the revision application preferred by the respondent nos.6 to 8 has been allowed and the order passed by the Sub-Divisional Officer on 18.11.2014 has been restored.

The petitioner on 03.09.2013 moved an application before the Talathi seeking his name to be recorded in the 7/12 extracts for the year 2013-14. Pursuant to that application, the Talathi moved the Naib Tahsildar, who passed an order on 21.01.2014 observing that the respective rights should be got determined by approaching the Civil Court in view of the fact that there were various properties and sharers of the same. This order passed by the Naib Tahsildar was confirmed by the Sub-Divisional Officer on 18.11.2014.

I have heard the learned counsel for the parties and I have perused the documents placed on record. The Additional Commissioner has observed that since the proceedings were initiated for considering the

request for taking mutation entries in the year 2013-14, the remand of the proceedings for the subsequent period was not practical and was also not warranted in the facts of the case. On that basis he has restored the order passed by the Sub-Divisional Officer on 18.11.2014.

Considering the fact that the proceedings were initiated for the purposes of seeking mutation entries in the year 2013-14, the Naib Tahsildar was justified in observing that the parties should get their rights determined by approaching the Civil Court. This could help in resolving all the disputes between the family members.

In that view of the matter, I do not find any reason to interfere in writ jurisdiction. The writ petition is therefore dismissed. No costs.

JUDGE

Andurkar.