

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.2165 OF 2020

Aniruddha Narayan Magar and ors.

.. Petitioners

Versus

Dhundabai Rohidas Rathod and ors.

.. Respondents

Mr P.D. Patil, Advocate for petitioner

Mr S.B. Yawalkar, Addl.G.P. for respondents no.8 to 12

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 20th February 2020

ORAL ORDER :

1. The petitioners challenge the mutation entry proceedings.
2. The learned Advocate for the petitioners submits that the proceedings are an abuse of the process of law. Civil proceedings are decided in favour of the petitioners. Mutation entry was effectuated pursuant to the decision given in Second Appeal by this Court. Thereafter, the proceedings are initiated. One round was already over. The matter was remanded to the Tahsildar. The Tahsildar passed orders in favour of the petitioners. The respondents filed an appeal. Allowing the proceedings to proceed would be an abuse of the process of law.
3. The petitioners had submitted themselves to the jurisdiction of the authorities. The Commissioner in exercise of powers under Section 257 of the Maharashtra Land Revenue Code remitted the matter to the Tahsildar. The petitioners and respondents appeared before the Tahsildar. The Tahsildar decided the matter. The Tahsildar has passed orders in favour of the petitioners. The respondents filed appeal against the said order. The appellate authority under Section 247 of the M.L.R. Code is seized with the matter.

4. Considering the aforesaid conspectus, it would not be appropriate to interfere at this stage. The petitioners can certainly take recourse to the provisions of law in contesting the matter. All contentions are kept open.
6. Needless to say that the authorities may expedite the proceedings.
7. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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