

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.4774 OF 2019**

Shri Chandrakant Hanjarimal  
Rathod & Ors.

..

Petitioners

Vs.

The State of Maharashtra  
through Department of Urban  
Development & Ors.

..

Respondents

...

Mr. P.R. Arjunwadkar for the Petitioners.

Mr. Y.S. Khochare, A.G.P. for Respondent Nos.1, 3 and 4.

...

**CORAM: PRADEEP NANDRAJOG, C.J. &  
SMT. BHARATI DANGRE, J.**

**DATED : 24<sup>th</sup> JANUARY, 2020.**

**P.C:-**

1. Land bearing Survey No.511, Hissa No.16 admeasuring 1 Hecter, 14.4 Ares, on implementation of the Town Planning Scheme No.7 came to be assigned Plot Nos.37, 37/1 and 43 within the territorial jurisdiction of Kolhapur Municipal Corporation.

AJN

2. There was a dispute regarding the claim of one Rajaram Kedari Power of being a protected tenant of the land and this claim was litigated by him when the title to the land was recorded in the name of the predecessor in interest of the Petitioners i.e. Nalawade family.

3. The claim of Rajaram Power was rejected by the Tehsildar acting as the Tenancy Court. Appellate remedy availed by Rajaram Power before the Sub-Divisional Officer in Tenancy Appeal No.51 of 1992 failed. Further remedy of Revision before the Maharashtra Revenue Tribunal also failed. Writ Petition filed by Power in this Court also failed when the same was dismissed on 07<sup>th</sup> December, 2017. Special Leave Petition filed against the said decision by Power was not entertained by the Supreme Court as per Order dated 06<sup>th</sup> April, 2018.

4. Issue having attained finality, Notification dated 05<sup>th</sup> June, 2018 was issued by the State Government requiring mutation of the name of the Petitioners qua the land in question being the successors in interest of the Nalawade family from whom the Petitioners purchased the land by a Sale Deed.

5. The grievance in the Petition is that in spite of Representations made to the Commissioner, City of Kolhapur

and the Town Planning Officer of the Town Planning Department of Kolhapur, the mutation is not being effected.

6. There being no clarity as to whether it is the Commissioner or the Town Planning Officer which has to do the needful i.e. give effect to the Government Notification dated 05<sup>th</sup> June, 2018, we dispose of the Petition directing that the mutation shall be effected to give effect to the Government Notification dated 05<sup>th</sup> June, 2018, be it the responsibility of Respondent No.2 or Respondent No.3.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)