

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5226 OF 2019

Indumati Bhimrao Surwase and Ors. ..Petitioners
Vs.
Arjun Krishna Surwase and Ors. ..Respondents

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Mr. Priyal G. Sarda, Advocate for Petitioners.
Mr. Ashok B. Tajane, Advocate for Respondent Nos.1A to 1E.
Mr. Y. D. Patil, AGP for Respondent Nos.3 to 8 / State.
Ms. Ujwala Sawant i/b. Rekha Musale, Advocate for Respondent No.2.

**CORAM : C.V BHADANG, J.
DATE : 24th FEBRUARY, 2020**

PC.

. The challenge in this petition is to the order passed by the Hon'ble Minister thereby confirming the order passed by the Additional Commissioner, Pune Division, Pune, refusing to correct the mutation entry No.1670 in respect of land survey No.147/2 of Village Chincholikati, District Solapur.

2. According to the petitioner, the land was recorded in the name of three brothers namely Arjun Surwase, Bhimrao Surwase and Dattatray Surwase. The petitioner is the widow of Bhimrao Surwase. It appears that by mutation entry No.1670 which is recorded in the year 1993 the property was recorded solely in the name of Arjun. Bhimrao died in the year 1998. It is only in the year 2008 that the petitioner approached the learned Tehsildar for correction of the mutation entry No.1670 as the petitioner was

aggrieved by the fact that the name of the Bhimrao and for the matter that Dattatray was deleted and the property was recorded solely in the name of Arjun. It is not necessary to go into the chronology of events prior to the Additional Commissioner passing the impugned order on 4/7/2017 which has been confirmed by the Hon'ble Minister by order dated 7/2/2018.

3. On hearing, learned counsel for the parties, it appears that there is a document which is styled as a partition deed dated 29/6/1993 to which all the three brothers are party in which the subject land has been conceded in favour of Arjun. It further appears that the petitioner had filed regular Civil Suit No.76/2013 challenging the subsequent transfer of the property by Arjun which was withdrawn on 11/12/2015 with permission to file a fresh suit. Admittedly, thereafter no fresh suit has been filed. There appears to a delay of about 15 years in challenging the mutation entry No.1670. The Additional Commissioner in his order has inter alia noted the delay in challenging the mutation entry, the filing of the civil suit and its withdrawal and also the fact that the land which has been allotted to the Bhimrao has already been sold, in refusing to correct the entry.

4. Learned counsel for the petitioner has strenuously urged that there is a clear manipulation of the entry No.1670 by which the name of Bhimrao was deleted from the record of rights of subject land. It is also contended that the deed of the year 1993 being unregistered document could not have been acted upon. The later aspect has been considered by the learned Additional Commissioner in order to find that if the document only records the factum of a

partition which has already taken place, the same does not require registration. It also transpires during the course of arguments that the part of the subject land has been acquired for the purpose of Maharashtra Industrial Development Corporation during lifetime of Krishna, father of Bhimrao.

5. I have carefully gone through the impugned order passed by the learned Additional Commissioner as well as the Hon'ble Minister. I do not find that the impugned order suffers from any infirmity so as to require interference in the exercise of supervisory jurisdiction of this Court under Article 227 of the Constitution of India. The petition is without any merit and is accordingly dismissed with no order as to costs.

C.V. BHADANG, J.