

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12665 OF 2018**

Jaideep Dharadhar

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Jaideep S. Dharadhar – Petitioner in person.

Mr. Y. S. Khochare, AGP for the Respondent - State.

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

DATE : 4th FEBRUARY, 2020

P.C.

1] The grievance of the Petitioner is that the Property Registration Card concerning land comprised in CTS No.635, 635/1 and 635/2 at Vile Parle (E), Mumbai is not being updated.

2] The problem which the Petitioner faces emerges from the pleading that the property in question was last recorded in the name of the Petitioner's great grandfather Ramchandra Raghoba Dharadhar. On his death in the year 1920, he was survived by three sons Balaji, Narayan, Gajanan and a daughter Naglibai. Unfortunately the three sons and the daughter did not apply for mutation. Narayan died issueless in the year 1926 and his share in the estate devolved.

3] Balaji and Gajanan having died were survived by their sons Sriram and Manohar as also Tara, Subhash and Arvind respectively.

4] The pedigree table shows that Sriram died issueless. So did Arvind. Manohar died survived by his two daughters and two sons. Subhash died survived by his children one of whom is the Petitioner.

5] This pedigree table needs to be authenticated.

6] Whether the land was belonging to the HUF needs to be identified for if the great grandfather of the Petitioner was the owner of the land as the self acquired owner thereof and there is no evidence that he put the land in the HUF, his daughter Naglibai would inherit the land.

7] The department is not mutating on account of the reason that entitlement of a large number of heirs would be affected and department does not want to be burdened with claims.

8] The only way forward is for the Petitioner to seek a Letter of Administration if death of all the heirs is non-testamentary.

9] In view of the afore-noted facts and the legal position, no mandamus can be issued as prayed for by the Petitioner that the Property Registration Card be updated as claimed by the Petitioner.

10] The Petition is disposed of.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE