

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION STAMP NO.27742 OF 2019

Santosh Balu Katkari @ Vaghe & Ors.

..Petitioners

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. S. A. Sabrad, Advocate for the Petitioners.

Mr. M. M. Pabale, AGP for Respondent Nos.1 to 4.

Mr. P. B. Shah i/by Mr. K. P. Shah, Advocate for Respondent Nos.5 to 7.

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

DATE : 13th JANUARY, 2020

P.C.

1] The innocuous plea in the Writ Petition has deeper significant ramification and thus we decline to issue mandamus to Respondent No.2 requiring Petitioners' application dated 14.02.2018 to be decided.

2] The reason is that notwithstanding Petitioner Nos.2 to 17 making a request in said application that their share in the subject land be recorded as released in favour of Petitioner No.1 the issue of who is the owner of the land awaits a decision in Writ Petition No.11824 of 2018 filed by Respondent Nos.5 to 7.

3] From the pleadings in the Writ Petition it is apparent that the title of said Respondents in the subject land was revoked on the

ground that they purchased subject land without the permission of the Collector. The decision taken to revoke the mutation entries recording title of said Respondents is currently subjudice in Writ Petition No.11824 of 2018.

4] The Petitioners are Respondents in the said Writ Petition.

5] Needless to state if the said Petition succeeds instantly Petitioners would have no claim to the land and thus the question of Petitioner Nos.2 to 17 relinquishing their share in favour of Petitioner No.1 would not arise. But if the Writ Petition fails and the matter attains finality, then alone Petitioner Nos.2 to 17 can make a request that in the revenue records released by them of their share in favour of Petitioner No.1 be incorporated.

6] The Writ Petition is disposed of.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Balaji
G.
Panchal

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by Balaji G.
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