

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

913 WRIT PETITION NO.4060 OF 2020

**RAJESH BALMUKUND MANDHANI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. Nagargoje Ankush N.
AGP for Respondent Nos.1 to 3 : Mr. S.B. Yawalkar
Advocate for Respondent No.4 : Mr. A.R. Vaidya
...

**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 01st OCTOBER, 2021

PER COURT:-

1. We have heard the learned advocate for the petitioners, the learned AGP on behalf of respondent nos.1 to 3 and Shri Vaidya, learned advocate on behalf of respondent no.4.

2. We have perused the impugned orders passed by the City Survey Officer – respondent no.3 and the reasons which appear in the property register that no action is being taken by the City Survey Officer since First Appeal No.1161 of 2014, which would affect the property at issue, is pending before the Bombay High Court Bench at Aurangabad.

3. The learned advocate for the petitioners submits on specific instructions, that this first appeal has been withdrawn and disposed off on 06.03.2019 and, therefore, there is no impediment for the said authority to consider the request of the petitioners for carrying out mutation entries which are based on registered sale deeds.

4. In view of the above, it appears that respondent no.3 has declined to entertain the request of the petitioners under the belief that First Appeal No.1161 of 2014 is still pending when the same is disposed off as per the statement of the petitioners.

5. As such, this petition is disposed off with the following directions:

- (a) The impugned orders as set out in prayer clause (B), are quashed and set aside.
- (b) The petitioners shall array the original owners from whom they have purchased the lands with reference to which the mutation entries are to be carried out, before respondent no.3 in the said proceedings.
- (c) Respondent no.3 shall issue notices to all the parties who are likely to be affected by the said proceedings and after granting a reasonable opportunity of hearing to all, shall pass a reasoned order on the applications filed by the petitioners, on their own merits, without being influenced by any observation in our order.
- (d) We expect the proceedings to be concluded within six months from the date of appearance of the parties.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)