

(1)

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

927 WRIT PETITION NO.5426 OF 2022

SAYED GULZARINA MUSHIRODDIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr S. R. Kedar, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 12th July, 2022

PER COURT:

1. The petitioner, who is a widow, has put forth prayer clauses (B) and (C), which read as under :-

“B] By issuing writ of mandamus or any other writ or direction in the like nature, the respondent authority may kindly be directed to record the name of petitioner on the 7/12 extract from gut no. 370 extend to 7 R land situated at Ghodka Rajuri Tq. & Dist. Beed on the basis of heirship and for that purpose issue necessary orders.

C] By issuing writ of mandamus or any other writ or direction in the like nature, the respondent authority may kindly be directed to decide the representations dated 30.12.2021 and 24.01.2022 in pursuance to the circular dated 16.02.2015 and for that purpose issue necessary orders.”

(2)

2. The learned A.G.P. appears on behalf of all the respondents.

3. We have considered the submissions of the learned Advocate for the respective sides. The Divisional Commissioner, Aurangabad, has issued a Circular on 13/02/2015, directing all the Talathis, Tahsildars and Sub Divisional Officers, to initiate appropriate steps with regard to applications filed by individuals under the Maharashtra Land Revenue Code, 1966 and the Maharashtra Land Revenue Record of Rights and Registers (Preparation and Maintenance) Rules, 1971. Certain Committees are formulated at the Taluka and the District level. The petitioner has repeatedly made applications, three of which are placed before us in the petition paper book. She is compelled to rush to this Court only to seek orders in the nature of a Writ of Mandamus to respondent Nos.4 and 5, to exercise jurisdiction duly vested in them by law, as they failed to exercise the said jurisdiction and redress the grievance of the petitioner.

4. In view of the above, this petition is disposed off with the following directions :-

(3)

(a) If there is no legal impediment, respondent No.5 shall ensure that the name of the petitioner is entered in the revenue records in place of her deceased husband, by following the due procedure laid down in law, as expeditiously as possible and in any case, on or before 30/09/2022.

(b) We direct the District Collector, Beed, to initiate action against respondent Nos.4 and 5, in accordance with the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005, more particularly Section 10 under Chapter 3 and by adhering to the principles of natural justice, on account of refusing to exercise jurisdiction duly vested in them by law and for failing to assist the petitioner widow in getting her name mutated in place of her deceased husband.

5. Compliance of these directions shall be reported to this Court prior to 30/11/2022. We are issuing this direction, since we find that, though the Divisional Commissioner has issued a Circular dated 13/02/2015 and though the Maharashtra Land

(4)

Revenue Code mandates that the Tahsildar/Talathi should initiate appropriate response to the application filed by the villagers like the present petitioner, they have refused to exercise their jurisdiction and have kept the applications of the petitioner pending since February 2021.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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