

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3977 OF 2021

Manik Nathu Rupanwar

.. Petitioner

Versus

Dada Kashinath Ingale & Ors.

.. Respondents

.....

- Mr. Vishwanath S. Talkute for Petitioner
- Mr. Rajesh S. Jadhav for Respondent Nos. 1 to 6
- Mrs. V.S. Nimbalkar, AGP for State

.....

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 07, 2022

P.C.:

1. Heard Mr. Talkute, learned Advocate for Petitioner; Mr. Jadhav, learned Advocate for Respondent Nos. 1 to 6 and Mrs. Nimbalkar, learned AGP for State

2. The controversy in the present petition pertains to arithmetical mistake in the order dated 20.12.2013 passed by the Tahsildar, Malshiras. Admittedly, Petitioner filed Application placed at Exh. A to the petition seeking permission for right of way between old Gat No. 181 and new Gat No. 180/15 towards the west. After hearing the parties, the Tahsildar passed order dated 20.12.2013 allowing the said Application. Copy of the order is annexed at page 25 of the petition. In the said order, submissions have been recorded by the Tahsildar in the body of the order which are in consonance with the Application filed by the Petitioner i.e. for seeking right of way between old Gat

No. 181 and new Gat No. 180/15 towards the west. However, the operative part of the order records the nomenclature of old Gat No. 181 as old Gat No. 180. This is the admitted position and not controverted by any of the parties before me today.

3. Petitioner being aggrieved sought correction of “old Gat No. 180” to “old Gat No. 181” as per his Application. However, by order dated 18.02.2020, the Tahsildar dismissed his Application by giving further directions for right of way with respect to other Gat numbers. Petitioner carried the said proceedings in Revision before the S.D.O. who has also dismissed the Revision by order dated 26.03.2021, *inter alia*, upholding the order passed by the Tahsildar.

4. Perused the affidavit-in-reply dated 15.12.2021 on behalf of Respondent Nos. 1 to 6 as also affidavit-in-reply dated 25.03.2022 filed on behalf of Respondent No. 8.

5. The controversy between the parties pertains to the nomenclature as stated in the original impugned order passed by the Tahsildar in 2013 with respect to “old Gat No. 181” as sought for by the Petitioner in his Application. *Prima facie*, it is seen that the order of Tahsildar dated 20.12.2013 in its operative part records “old Gat No. 180” instead of “old Gat No. 181”. In that view of the matter, the order dated 20.12.2013 needs to be corrected. It shall stand so corrected in its operative part wherein “old Gat No. 180” shall be read as “old Gat

No. 181”. As a consequence, the orders dated 18.02.2020 and 26.03.2021 stand quashed and set aside.

6. Writ Petition is allowed with the above directions.

[MILIND N. JADHAV, J.]

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