

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6959 OF 2014

Vivek B. Singh  
Trustee of Sir N.P. Vakil Trust & Anr. ... Petitioners

Versus

Union of India & Ors. ... Respondents

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Mr. Sharan Jagtiani, Senior Advocate with Mr. Priyank Kapadia, Ms. Anuja Jhunjhunwala and Mr. Harsh Thadani i/b. M. Mulla Associates for the Petitioners.

Mr. D.P. Singh for the Respondent Nos. 1 to 4.

Ms. Rupali M. Shinde, AGP for the State.

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CORAM : NITIN JAMDAR &  
SHARMILA U. DESHMUKH, JJ.

DATED : 19 SEPTEMBER 2022

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioners have sought the following relief :

*“a) that this Hon’ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, under Article 226 of the Constitution of India against the Respondents, ordering and directing Respondent Nos. 2 and 3 to forthwith (and in any event within a period of*

*four weeks) process and reply to the Petitioners' application/ representation dated 28.12.2011 addressed to the Respondent No.3 and copy marked to Respondent Nos. 2, 4 and 5, seeking recommendation/ direction from Respondent No. 2 and 3 to Respondent No.5 or Respondent No. 6, as the case may be to restore the Revenue assessment in respect of the Petitioner No.1's said lands to non-manufacture of salt and thereby facilitate Respondent No. 5 or Respondent No. 6, as the case may be to revert the Revenue Records of the said lands to the position as they stood prior to the Mutation Entry 651 of 1958".*

3. The Respondent Nos. 2 and 3 have filed reply contesting the claim made by the Petitioners in the representation.

4. However, what is argued before us is whether a mutation entry should be made in the revenue records maintained by the Respondent No.6, that is, added Respondent- State or not. We do not find any decision of the Respondent No.6- Collector as to whether revenue entry is to be made in favour of the Petitioners or not. In fact this is the main prayer of the Petitioners.

5. The appropriate course of action would be that the Collector – Respondent No.6 would either by himself or the designated authority in-charge of revenue records to take a decision on the representation of the Petitioners as regard entry in the revenue records. An opportunity be also given to the Respondent Nos. 2 and 3 to put forth their say. The learned

Counsel for the parties are agreeable to this course of action.

6. The learned Senior Advocate for the Petitioners states that since the representation was made some time ago, a fresh comprehensive representation would be filed within a period of two weeks from today with a copy to Respondent Nos. 2 and 3. Thereafter, the Collector or the concerned authority would give an opportunity to Respondent Nos.2 and 3 and pass an order within a period of four months, subject to earlier time bound commitment and other pressing public duties. As regard oral hearing is concerned, it is left to the Collector /authority to decide whether to grant oral hearing or not. Time table to come into effect from the date order is uploaded.

7. The contentions of the Petitioners and Respondent Nos. 2 and 3 are kept open.

8. The writ petition is accordingly disposed of in above terms.

(SHARMILA U. DESHMUKH,J.)

( NITIN JAMDAR, J. )