

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1573/2021

(FIROZ KHA YUSUF KHA PATHAN **VERSUS** STATE OF MAHARASHTRA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms Aarti Singh, counsel (Appointed) for the petitioner.
Mrs. T.H. Khan, Assistant Government Pleader for the respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : SEPTEMBER 19, 2022.

It is the case of the petitioner that Field Survey No.342/1 admeasuring 2 Acres situated at Paras, Tahsil Balapur, District Akola is his ancestral land. 26 R land has been acquired for Paras Thermal Power Station while 14 R land remains with the petitioner. On account of the incorrect mutation entries the petitioner has not got benefit of the policy of granting benefit to project affected persons. The petitioner therefore seeks such benefit by relying upon Government Resolution dated 21.01.1980.

Perusal of the documents on record however indicates that on 31.01.2018 the Naib Tahsildar has considered the application moved by the petitioner seeking rectification of the mutation entry so as to include his name in the record of rights. The Tahsildar has however not granted that relief. We find that unless the name of the petitioner is mutated in the revenue record to indicate his title, the claim for benefit of Government Resolution dated 21.01.1980 cannot be considered.

At this stage the learned counsel for the petitioner submits that order dated 31.01.2018 may be permitted to be challenged by invoking appropriate jurisdiction under the Maharashtra Land Revenue Code, 1966.

Accordingly, the petitioner is granted liberty to challenge the order dated 31.01.2018 by filing appropriate proceedings under the Maharashtra Land Revenue Code, 1966. If appropriate proceedings are initiated within a period of one month from receipt of copy of this order the proceedings shall be

entertained on merits without going into the question of delay. It is made clear that if the petitioner's name is mutated in the revenue record, it would be open for him to renew the prayers made in the present writ petition. The writ petition is accordingly disposed of.

The fees of the learned counsel appointed be paid in accordance with the Rules.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

APTE