

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 3007 OF 2020

Nilesh Bhashkarrao Darokar

Vs.

Additional Commissioner, Amravati and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Nilesh A. Gawande, Advocate for petitioner.
Mr. K.L. Dharmadhikari, AGP for respondents/State.
Mr. Y.J. Chandurkar, Advocate h/f Mr. J.J. Chandurkar,
Advocate for respondent No.4.

CORAM : MANISH PITALE J.

DATE : 05.07.2022.

By this writ petition, the petitioner has challenged concurrent orders passed by the Sub-Divisional Officer, Additional Collector and Additional Commissioner, as regards proceedings concerning mutation entries under the provisions of the Maharashtra Land Revenue Code, 1966.

2. It is the case of the petitioner that entry made in his favour on the strength of a registered sale-deed could not have been interfered with by the Sub-Divisional Officer and the Additional Collector as well as the Additional Commissioner in confirming the order of the Sub-Divisional Officer.

3. Heard the learned counsel for the rival parties.

4. A perusal of the material placed on record shows that the Sub-Divisional Officer took into consideration the contentions raised on behalf of the contesting respondent No.4 and found that there is a civil suit pending before the competent Civil Court as regards the registered sale-deed on the strength of which mutation entry was made in favour of the petitioner.

5. Reference is also made to Section 57 of the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958. After having referred to such material, the Sub-Divisional Officer has proceeded and acknowledged that the entry dated 07.05.2013, is made in favour of the petitioner and further directed that till the dispute pending before the competent Civil Court is decided, the entry concerning the said property is to be treated as disputed entry, so that third party interest is not created.

6. The Additional Collector as well as the Additional Commissioner have agreed with the findings rendered by the Sub-Divisional Officer as

they rejected the challenge raised on behalf of the petitioner.

7. The learned counsel appearing for the petitioner vehemently submitted that once the mutation entry was made on the basis of a registered sale-deed, the Sub-Divisional Officer ought not to have exercised jurisdiction, on the basis of Section 57 of the said Act, which is allegedly not complied with and that the suit filed by the respondent No.4 is pending before the competent Civil Court. It was submitted that if the Civil Court held in favour of respondent No.4, mutation entry could be interfered with.

8. This Court is of the opinion that while exercising jurisdiction by the Sub-Divisional officer under the aforesaid Code, it is necessary to ensure that when a dispute arises between the parties wherein the document in question is itself put to test before the competent Civil Court, it would be appropriate to place the entry in the register of disputed entries, so that a person seeking to enter into a transaction in respect of such property is aware about the pending dispute. The order of the Sub-Divisional Officer specifically states that the said direction was being issued so that third party

interests are not created as long as the dispute is pending before the competent Civil Court.

9. This Court is of the opinion that the Sub-Divisional Officer was justified in passing the order dated 31.08.2016 and that the Additional Commissioner as well as the Additional Collector were also justified in maintaining the disputed entry in the revenue record, until the dispute is pending before the Civil Court.

10. In view of the above, the writ petition is without any merits and accordingly, it is dismissed.

JUDGE