

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

911 WRIT PETITION NO.13384 OF 2023

**BABURAO NINGAPPA SAMANE
VERSUS
CHANDRAKANT NIVRUTI KAPSE AND OTHERS**

...

Advocate for Petitioner: Mr. Deshpande Gaurav L
AGP for Respondent/State: Ms. R. P. Gour

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 25th OCTOBER, 2023

PER COURT:

1. Heard.

2. The learned counsel for the petitioner submits that in the present proceedings he had challenged the mutation entry and the same was made in favour of respondent no.1 and the same was dismissed on the ground on delay in filing appeal and, thereafter, in the revision the same order was maintained holding that the challenge to the mutation was beyond the period of 6 years.

3. The present applicant has challenged the order passed by the authorities below in condonation of delay application in challenging the mutation entry no.2125 and 2126 in respect of land gut no.147/3 of Village Jakekur dated 17.05.2004.

4. The learned counsel further submits that on 01.11.2017, there is an order passed under the Money Lending Act that the transaction in question on the basis of which the mutation entry is recorded is a money lending transaction and that in view of the order passed, the mutation entries have to be rectified.

5. It is hereby clarified that if there is any order of the civil court or any authorities giving rise to such contention, the petitioner is at liberty to approach the said Revenue Authority for rectification, however the present orders which are passed on the basis of application for condonation of delay cannot be interfered with as there is no error in the same.

6. This petition is disposed of with liberty to the petitioner to avail the remedy of seeking a fresh mutation entry based on the orders passed by the authority constituted under the Money Lending Act and the Tahsildar concerned to pass orders in accordance with law, after hearing all affected parties.

7. The writ petition is disposed of accordingly.

[ARUN R. PEDNEKER, J.]