

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.13220 OF 2018

Dnyanu Krushna Chougule
(Since deceased through LRs)

...Petitioner

vs.

Daji Balu Patil and Others

...Respondents

Mr. Sandeep Koregave, for the Petitioner.
None for the Respondents.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 08, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order passed by the learned Additional Commissioner, Pune in Revision Application No. RTS/R/KO/123/2015 dated 30th December, 2017 under section 257 of the Maharashtra Land Revenue Code, 1966.
3. In substance the petitioner assails the Mutation entry No. 180 certified on 16th March, 1977 in respect of the subject premises. The Sub Divisional Officer as well as the Additional Collector dismissed the proceedings initiated by the petitioner. Undeterred the petitioner preferred a revision before the Divisional Commissioner, Pune.
4. It would be suffice to note that the Mutation entry No. 180 which was assailed by the petitioner in an earlier round of litigation

commencing from revenue officers upto State Government, culminated in an order passed by this Court on 21st July, 2008 in Writ Petition No. 3258 of 1991. Mutation Entry No. 180 thus came to be confirmed throughout. The said mutation was effected on the basis of a registered Sale Deed executed by the predecessor in title of the petitioner in favour of the predecessors in title of the respondents, in the year 1954.

5. Mr. Sandeep Koregave, learned counsel for the petitioner urged that there is another ground on which the legality of the said Mutation entry No. 180 is assailed, namely, issue of a transfer certificate under the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

6. I am afraid such contention cannot be countenanced. It is too late in the day to urge such a ground especially in the face of conveyance in the year 1954. The authorities below have correctly declined to entertain the challenge to ME.No. 180.

Hence, the petition does not deserve to be entertained.

ORDER

The Petition stands dismissed.

(N. J. JAMADAR, J.)