

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7978 OF 2022

Mahadeo Dattu @ Pandurang Kashid .. Petitioner

Vs.

Laxman Dattu @ Pandurang Kashid & Ors. .. Respondents

- Mr. M.A. Patil, for the Petitioner.
- Ms. A.A. Purav, AGP for the Respondent-State.

CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ

DATE : 9th OCTOBER, 2023.

ORAL JUDGMENT : {Per : Sunil B. Shukre, J.}

1. Heard.
2. RULE. Rule is made returnable forthwith, by consent of learned counsel for the respective parties.
3. The petitioner is seeking mutation in the 7/12 revenue record by making entries in the 7/12 extract of the names of all the owners of the properties on the basis of consent decree passed by the Civil Court. The Talathi, Laxmi Takali, Tal. Pandharpur has refused to carry out mutation of entries in the 7/12 extract. We are of the view that the Talathi would not be justified in insisting upon the petitioner to get the consent decree registered by paying necessary stamp duty, and

therefore, the order dated 14.01.2020 is not sustainable in law. Similar view has been taken by the Coordinate Bench of this Court in the case of *The Barshi Bar Association Vs. The State of Maharashtra & Ors., in Public Interest Litigation No.88 of 2021* in its order passed on 09.03.2023.

4. We, therefore, allow the petition with following directions:-

(i) The impugned order dated 14.01.2020 issued by Respondent No.9-District Joint Registrar Class-I and Stamp Collector, Solapur is hereby quashed and set aside.

(ii) Tahasildar, Laxmi Takali, Tal. Pandharpur, Dist. Solapur is directed to ensure that the concerned Talathi mutates 7/12 revenue record by taking mutation entry in 7/12 extract in terms of the consent decree passed by the Civil Court, provided a certified copy of the consent decree is produced before him.

5. Rule is made absolute in the above terms.

6. Writ Petition is disposed of accordingly.

[FIRDOSH P. POONIWALLA, J.]

[SUNIL B. SHUKRE, J.]