

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

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 9286 OF 2023**

Anna Dinkar Thite

...Petitioner

Versus

State of Maharashtra Through Dept. of  
Revenue and Forest & Ors.

...Respondents

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Mr. Sachin Shetye a/w Jotiram R. Jadhav, for the Petitioner.

Mr. Rajan S. Pawar, AGP for State.

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**CORAM : G. S. KULKARNI &  
JITENDRA JAIN, JJ.**

**DATE : 2 AUGUST 2023**

**P.C.:-**

1. The only concern of the petitioner in this petition filed under Article 226 of the Constitution of India is in regard to non deletion of the entries as made in the Revenue Records pertaining to the petitioners land, the details of which are is under:

(1) Gat No. 3235/1 admeasuring 91 R + 96 R + 1 Hector 0 R and + 1 Hector 06 R [Total admeasuring 3 Hector 93 R].

(2) Gat No. 3236/1 admeasuring 91 R + 96 R + 99 R + 1 Hector 05 R [Total admeasuring 3 Hector 91 R] at Village Kendur, Tq. Shirur, District Pune.

2. Insofar as the land in question are concerned, mutation entry No. 5437 dated 4 June 2010 and mutation entry No. 4500 dated 8 April 2010 as made by the respondents indicate the land being reserved for rehabilitation of project affected persons. The case of the petitioner is that the land was never subjected to any acquisition and the said remark has continued to operate and in existence since 2010, which is almost for 13 years. It is his contentions that the land is no more required for the purpose for which the entries have been made.

3. Learned counsel for the petitioner would draw our attention to the similar orders passed by this Court, which are also annexed to the petition, wherein the Court had directed the respondents to examine such request for deletion of the Revenue Entries and take appropriate actions in that regard. We have perused such orders.

4. Mr. Pawar, learned Assistant Government Pleader submits that insofar as deletion of the remarks in the Revenue Entries in relation to the lands being required for rehabilitation of the project affected persons are concerned, the State Government from time to time has issued Government Resolutions, and the procedure in pursuance of such Government Resolution is being adopted. He submits that in regard to the petitioner's representation which he has made on 11 February 2022

(Exhibit M), appropriate orders can be passed in accordance with law after taking into consideration the directions of the State Government.

5. In our opinion, the entries in the Revenue Records cannot continue for such a long duration and more particularly, when the lands are not required for the purpose for which such entries are made. In any event, making of such entries would certainly cause prejudice to the rights of the owners of the land. This inasmuch as clearly by virtue of the entries a situation is brought about, as if the lands were not available to the land owners to be dealt as the law would permit. This would negate the mandate of the legal rights of the land owners as guaranteed under Article 300A of the Constitution apart from violation of other legal rights.

6. In the aforesaid circumstances, in our opinion, the State Government needs to take a decision on the representation as made by the petitioner dated 11 February 2022. Let such decision be taken as expeditiously as possible and in any event within a period of six weeks from today.

7. All contentions are expressly kept open.

8. Petition stands disposed of in the above terms. No costs.

(JITENDRA JAIN, J.)

(G. S. KULKARNI, J.)