

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 6878 OF 2019**

Natraj Realcon (Pvt.) Ltd.

...Petitioner

Versus

The State of Maharashtra through the

Minister for Revenue and ors.

...Respondents

.....

Mr. Yahya Ghoghari a/w Mr. Amit Joshi i/b L. R. and Associates for the
Petitioner.

Mr. Sanjay D. Rayrikar, AGP for the Respondent Nos. 1 to 4.

Mr. Gauraj Shah a/w Mr. Pranav Chavan i/b Mahesh Menon and
Company for Respondent Nos. 5 to 10.

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CORAM : N.R. BORKAR, J.

DATED : 13 JUNE 2023

P.C. :-

The petitioner herein had filed the appeal before the District Superintendent of Land Records, Mumbai Suburban District against various entries recorded by the City Survey Officer in the Property Register Card of C. T. S. No. 667 of village Borla, Taluka Kurla, Mumbai Suburban District.

2. The District Superintendent of Land Records, Mumbai Suburban District by order dated 30 March 2013 has allowed the appeal. The operative order reads thus:

*“1) Appellant’s appeal is being allowed.
2) Enquiry about the entries of 26.05.1972,
19.10.1974, 12.12.1974, 03.06.1977, 05.03.1982,*

30.10.1996, 08.08.2003, 31.07.2006, 12.02.2007 of City Survey Officer, Chembur should be conducted vide Sec. 255 (3) of Maharashtra Land Revenue Act 1966 and decision be taken.

3) The concerned parties may be informed.”

3. The order passed by the District Superintendent of Land Records was challenged by respondent No. 11- Shiv Sabari Developers by filing appeal before the Deputy Director of Land Records, Konkan Region, Mumbai. Admittedly, no appeal was filed by contesting respondent Nos. 5 to 10. The Deputy Director of Land Records by order dated 31 March 2015 directed the City Survey Officer to cancel the entries. The operative order reads thus:

“ The City Survey Officer, Chembur is directed to cancel the entries dtd. 26/5/1972, 19/10/1974, 12/12/1974, 3/6/1977, 5/3/1982, 30/10/1996, 8/8/2003, 21/7/2006 and 12/2/2007 made against the property bearing C.S. No. 667, situated at City Survey Borla, Tal. Kurla and the concerned persons should be informed accordingly.”

4. The contesting respondent Nos. 5 to 10 against the order passed by the Deputy Director of Land Records, Konkan Region, Mumbai had filed the appeal before the State Government. The State Government by order dated 6 March 2019 has allowed the appeal in following terms:

“1.Revision Application of the Applicant is hereby allowed for the reason mentioned in this Judgment.

2. As a result of allowing Revision Application of the Applicant, the Order No. Appeal No. 15/1/2013 dated 31.3.2015 of the Deputy Director, Land Record, Konkan Region is hereby

quashed.

3. As a result of allowing Application of Applicant, mutation entries in Record of Rights which were quashed as a result of order of Deputy Director, are hereby restored.

4. No Order as to the costs.

5. This order may be informed to all concerned.”

5. Admittedly, order passed by the District Superintendent of Land Records dated 30 March 2013 was not challenged by the respondent Nos. 5 to 10. The operative order passed by the State Government shows that it had quashed the order of Deputy Director and not of District Superintendent of Land Records.

6. In view of the above, the learned counsel for the petitioner, on instructions, seeks leave to withdraw the petition. The Petition is disposed of as withdrawn.

7. The City Survey Officer shall conduct the enquiry as directed by the District Superintendent of Land Records and shall pass appropriate orders without being influenced by the orders passed by the Deputy Director of Land Records or by the State Government.

8. The City Survey Officer shall endeavour to decide the matter as early as possible.

9. All the contentions of the parties are kept open.

(N.R. BORKAR, J.)