

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.878 OF 2022

(Arvind Diwakar Bokare Vs. The District Collector, Chandrapur and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. G. N. Khanzode, Advocate for Petitioner.
Mrs. Kalyani R. Deshpande, AGP for Respondents 1 to 3/State.

CORAM: ROHIT B. DEO AND M. W. CHANDWANI, JJ.

DATE: 28th JUNE, 2023.

We find that the petition is a gross abuse of the process of law. The substantive prayer in the petition reads thus:

- i) By appropriate writ, order or direction, direct the respondent no.2- Sub-Divisional Officer, Mul to decide the appeal/application made by the petitioner on 10/10/2016 (Annexure-IV), against the order dated 20/12/1990 passed by respondent no.4 within stipulated period of time, in the interest of justice;*
- ii) Grant any other relief as this Hon'ble Court may deem fit under the facts and circumstances of the case.*

2. The petitioner claims that the application dated 10.10.2016 (Annexure IV) is an application challenging the mutation entry dated 20.12.1990 (entry 196) in respect of Survey 29 Gat 528 admeasuring 4.75 HR.

3. While the application does not disclose the necessary details, it is generally stated that the mutation entry made 26 years ago in favour of certain residents of Mul is illegal.

4. Firstly, the 2016 application appears to be clearly motivated. Some issue is raked up 26 years after the mutation entry. The application dated 10.10.2016 does not disclose under which provision of the law the application is preferred. The persons in whose name the land is mutated are not made party either to the application or then to the present petition.

5. While the petitioner claims to be a social worker, it appears to us, that considering that the persons in whose favour the land is mutated hail from political family, the endeavour of the petitioner appears to have been driven not by social but by political interest. We cannot, and will not permit writ jurisdiction to be misused.

6. The petition is dismissed with costs of Rs.5000/- (Rupees Five Thousand) to be deposited with the High Court Legal Services Sub-Committee, Nagpur within the next fifteen days.

7. If the cost is not deposited with the High Court Legal Services Sub-Committee, Nagpur, the Registrar (Judicial) shall approach the Collector and the amount shall be recovered as arrears of land revenue.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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