

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO. 8618/2022

SHARAD S/O NANAJI GAYKI

VS

DIVISIONAL COMMISSIONER (REVENUE), AMRAVATI DIVISION, AMRAVATI AND ORS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Mahesh Rai, counsel for the petitioner.

Shri D.P. Thakre, AGP for the respondent Nos. 1 to 5.

CORAM : ANIL S. KILOR, J.

DATED : 09/01/2023

1. The application for carrying out the mutation, in respect of the land in dispute in the name of the petitioner, was allowed by the Tahsildar, which was challenged in the appeal before the Sub-Divisional Officer who has reversed the order and it was maintained by the Collector and the Commissioner in revision. The same is under challenged in this writ petition.

2. In this case, the admitted fact is that before the Sale-deed executed in favour of the petitioner in the year 2007, the vendor of the petitioner executed a sale-deed of the said land in the year 2004, in favour of respondent No.6. Thus, on the date of sale-deed in favour of the petitioner, the person who executed the sale-deed was not the owner of the land in question but the respondent No.6 was the owner. Hence, the petitioner cannot ask for his name to be recorded in revenue record on the basis of the said sale-deed.

3. In view of the said admitted fact, I do not find any error in the order passed by the learned Sub-Divisional Officer and the Divisional Commissioner in denying the relief as claimed by the petitioner. Accordingly, the writ petition is **dismissed**.

JUDGE