

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

WRIT PETITION NO. 6511 OF 2019

PETITIONERS: 1] Shankarrao Premaji Banarase,
aged about 61 years, Occ. Business,
2] Suresh Premaji Banarase,
aged about 53 years, Occ. Business
3] Dilip Premaji Banarase,
aged about 53 years, Occ. Business
4] Dnyaneshwar Premaji Banarase,
aged about 53 years, Occ. Business
All residents of Opposite Gai Chhap Salt
Factory, Ganjakhet, Nagpur.

...VERSUS...

RESPONDENTS: 1] Madarsa Jamia Arabia Islamiya,
through its Mutavali, Maulana
Abdul Kadir s/o Mahrum Mufti
Abdul Rashid, Age : Major
2] Jamiya Arebia Rashidiya, Nagpur,
through its President Mutvali
Maulana Mohd. Abdul Kadir s/o
Marhum Mufti Abdul Rashid,
Age : Major,
Respondent Nos. 1 & 2 R/o. Lal Imli,
Mirza Galli, Khadar, Gandhibag,
Nagpur.
3] Smt. Sayarabi wd/o Kayamkha,
aged about 70 years, Occ. Household
4] Shri Abdul Ajij s/o Ashakur (Tavakkal)
(power of Attorney of Smt. Sayarabi Wd/o
Kayamkhan, aged about Major, R/o.
Tavakkal, Anjuman Complex, Sadar Square,
Nagpur.

- 5] Jahedabi wd/o Yusuf Khan,,
aged about 65 years, Occ. Household.
- 6] Hasan Karim Khan s/o Yusuf Khan,,
aged : Major, Occ. Business
- 7] Hasan Mahammad Khan s/o Yusuf Khan,,
aged : Major, Occ. Business
- 8] Hasan HusainKhan s/o Yusuf Khan,,
aged : Major, Occ. Business
- 9] Miss Ayarat D/o Yusuf Khan,,
aged : Major, Occ. Business
- 10] Miss Hamida D/o Yusuf Khan,,
aged : Major, Occ. Business

Respondent Nos. 5 to 10 R/o. Surabardi,
Tah. & Dist. Nagpur.
- 11] Smt. Sayeeda ja Ahmad Khan, aged : Major,
R/o. Tekanaka, Kamptee Road,
Nagpur.
- 12] Inspector General of Registration,
Department of Registration and Stamps,
Maharashtra.
- 13] State of Maharashtra, through Chief
Revenue Officer, Secretariate,
Maharashtra, Mumbai.

Mr. P.V.Vaidya, Advocate with Mrs. Ketki Jaltare, Advocate for Petitioners
Mr. Masood Shareef, Advocate with Mr. A.J.Mirza, Advocate for Respondent
Nos. 1 & 2.
Mr. N.R.Patil, AGP for Respondent Nos. 12 and 13

CORAM : AVINASH G. GHAROTE, J.
DATE : 02/03/2023.

1] By the order dated 23.02.2023, the following position was recorded :

“Heard Mr. Vaidya, learned counsel for the petitioner and Mr. Masood Shareef, learned counsel for the respondents No.1 and 2. None appears for the respondent Nos. 3 to 11 though served. Learned AGP for respondent nos.12 and 13.

2. *The petition challenges the order dated 30/07/2019, passed by the Sub-Divisional Officer, Nagpur (page 66) whereby the delay of 35 years, in challenging the mutation entry in the name of respondent Nos.1 and 2 has been rejected on account of absence of any reasons. Mr. Vaidya, learned counsel for the petitioner submits, that in fact there is no delay whatsoever, as the obligation, for making a correct mutation entry was that of the authority based upon the language of Section 150 read with Section 154 of the Maharashtra Land Revenue Code and as the authorities had committed the mistake, the petitioner cannot be blamed for the same. He submits, that this obligation has been recognized by this Court in **Shamrao Ganpat Chintamani Vs. Kakasaheb Laxman Gorde 2008 (Suppl) BCR 848** (paragraph 12).*

3. *It is therefore, submitted that the impugned order, cannot be sustained and is required to be quashed and set aside.*

4. *Mr. Shareef, learned counsel for the respondent Nos.1 and 2 raises a plea that at the outset alternate remedy is available under Section 247 of Code to the petitioner to challenge the impugned order dated 03/7/2019 and therefore, the petitioner be relegated to the same. On merits, he submits that there is huge delay of 35 years which has gone without explanation as to sufficient cause and therefore, he supports the impugned order.*

5. *The factual position, indicates that the predecessor-in-title of the petitioner claimed to have acquired title of land Survey No. 18/1 (New No.12) and Survey No. 18/2 (New No.40) both situated at Surabardi, Nagpur by virtue of sale deed dated 22/9/1960 executed by one Mohansingh s/o Lala Santraom Panjabi in favour of their father named Premaji Banarase.*

6. *The respondent Nos.1 and 2, claimed title to the property on the basis of two sale deeds dated 18/07/1978 and 18/7/1960 from the vendors of Mohansingh Panjabi. The name of respondent Nos.1 and 2 were mutated in the 7/12 extract on*

05/02/1982 as against which the application by Premaji Banarase for mutation of his name in the 7/12 extract filed on 24/4/1985, was filed on 7/5/1999 because of his absence. It is not disputed that the sons of Premaji Banasre have since instituted Regular Civil Suit No.569/2014 against the respondent Nos.1 and 2 for permanent injunction which proceedings are pending.

7. The provisions of Section 149 of the Maharashtra Land Revenue Code require acquisition of rights to be reported, it is an obligation cast upon every person who has acquired right in the immovable property. The provisions of Section 154 of the Maharashtra Land Revenue Code cast an obligation upon the Registrar under the Indian Registration Act, 1908 to send an intimation to the Talathi of the village in which the land is situated and to the Tahsildar of the Taluka regarding any acquisition by a registered instrument, which is for the purpose of the Talahi / Tahsildar taking an according entry into his record of such acquisition. The second proviso to Section 149 speaks of a person acquiring a right in the property being exempted from the obligation to report to the Talathi, where the right has been acquired by a registered document. This would clearly indicate that there is no obligation upon a person acquiring a right under the registered document to report such acquisition under Section 149 of the Maharashtra Land Revenue Code, to the Talathi or the Tahsildar as that obligation, is that of the Registrar under the Registration Act. Being thus absolved of such an obligation, the non-reporting of such an acquisition, cannot therefore, have the effect of depriving the person who has acquired the right under the registered instrument / document of the right acquired under such instrument / document. Thus, when the predecessor-in-title of the petitioner was under no obligation to report the acquisition of right it cannot be said that, in absence of such an obligation he has responsibility to explain any delay, occasioned in approaching the authorities under the Maharashtra Land Revenue Code for corrections of the mutation entries made in the 7/12 extract or the record of rights.

8. This position is already spelt out in **Shamrao Ganpat Chintamani Vs. Kakasaheb Laxman Gorde** (supra). That being the situation, since there was no obligation upon the petitioner to report the mutation, the delay, occasion in filing the application for correcting the mutation has therefore to be construed in the light of such absence of obligation, considering which there cannot be said to be any delay at all.

9. It has been noticed by this Court that such situations arise time and again, on account of absence of intimation of sales by the Sub-Registrar under the provisions of Indian Registration Act.

10. Sections 149, 150 and 154 of the Maharashtra Land Revenue Code read as under :-

“149. Acquisition of rights to be reported :

Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord, Government lessee or tenant of the land situated in any part of the State or assignee of the rent or revenue thereof, shall report orally or in writing his acquisition of such right to the Talathi within three months from the date of such acquisition, and the said Talathi shall at once give a written acknowledgment of the receipt of such report to the person making it :

Provided that, where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the Talathi :

Provided further that, any person acquiring a right with the permission of the Collector or by virtue of a registered document shall be exempted from the obligation to report to the Talathi :

Provided also that, where a person claims to have acquired a right with the permission of the Collector where such permission is required under the provisions of this Code or any law for the time being in force, such person shall on being required by the Talathi so to do produce such evidence of the order by which such permission is given as may be required by rules made under this Code.

Explanation I.—The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.

Explanation II.—A person in whose favour a mortgage is discharged or extinguished or lease determined, acquires a right within the meaning of this section.

Explanation III.—For the purpose of this Chapter, the term “Talathi” includes any person appointed by the Collector to perform the duties of a Talathi under this Chapter.

Sec. 150. (1) - The Talathi shall enter in a register of mutations every report made to him under section 149 or any intimation of acquisition or transfer under section 154 or from any Collector.

(2) Whenever a Talathi makes an entry in the register of mutations, he shall at the same time post up a complete copy of the entry in a conspicuous place in the Chavdi, and shall give written intimation to all persons appearing from the record of rights or register of mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

1[Provided that, where the record of rights are maintained under section 148A by using the storage device, as soon as the Tahsildar in the Taluka receives an intimation under section 154, the Talathi in the Tahsildar office shall send it to all persons appearing from the record of rights or register of mutations to be interested in the mutation and to any other person whom he has reason to believe to be interested therein and also to the concerned Talathi of the village, by short message service or electronic mail or any such device as may be prescribed; and upon receipt of such intimation, the Talathi of the village shall immediately make an entry in the register of mutations :

Provided further that, no such intimation as provided under the first proviso shall be required to be sent by the Talathi in the Tahsildar office of the persons who have executed to document in person before the officer registering the document under the Indian Registration Act, 1908.]

(3) When any objection to any entry made under sub-section (1) in the register of mutations is made either orally or in writing to the Talathi, it shall be the duty of the Talathi to enter the particulars of the objections in a register of disputed cases. The Talathi shall at once give a written acknowledgment for the objection to the person making it in the prescribed form.

(4) Disputes entered in the register of disputed cases shall as far as possible be disposed of within one year by a Revenue or Survey Officer not below the rank of an Aval Karkun and orders disposing of objections entered in such register shall be recorded in the register of mutations by such officer in such manner as may be prescribed by rules made by the State Government in this behalf.

(5) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the State Government in this behalf :

Provided that, an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

(6) Entries in the register of mutations shall be tested and if found correct, or after correction, as the case may be, shall be certified by any Revenue or Survey Officer not below the rank of an Aval Karkun in such manner as may be prescribed :

1[Provided that, entries in respect of which there is no dispute may be tested and certified by a Circle Inspector:]

2[Provided further that], no such entries shall be certified unless notice in that behalf is served on the parties concerned.

(7) The State Government may direct that a register of tenancies shall be maintained in such manner and under such procedure as may be prescribed by rules made by the State Government in this behalf.

[(8) The Commissioner may specify, from time to time, the storage device for preparation, maintenance and updation of all registers and documents to be maintained under section 148A.]

154. Intimation of transfers by registering officers :

When any document purporting to create, assign or extinguish any title to, or any charge on, land used for agricultural purposes, or in respect of which a record of rights has been prepared is registered under the Indian Registration Act, 1908, the officer registering the document shall send intimation to the Talathi of the village in which the land is situated and to the Tahsildar of the taluka, in such form and at such times as may be prescribed by rules made under this Code.”

11. Rule 11, Rule 33 of the Maharashtra Land Revenue Records and Rights and Registers (Preparations and Maintenance) Rules, 1971, reads as under :-

“Rule 11 Talathi to make entries in register of mutations:-

As soon as an intimation regarding registration of documents referred to in Section 154 is received by a Talathi, he shall make separate entries in the register of mutations in respect of the mutation effected by each of the said documents.”

“Rule 33 Provision regarding intimation to be given by registering officer :-

(1) The intimation to be given to the Talathi and the Tahsildar under Section 154 by a registering officer registering any document under the Indian Registration Act, 19087, shall be given in duplicate in Form XVI separately in respect of lands included in a village. Such intimation shall be given in the 1st week of each month in respect of documents registered in the preceding month.

(2) On receipt of such intimation, the Talathi shall maintain the mutation entries effected in accordance with the intimation in column 13 of Form XVI and send a duplicate copy of such intimation to the Tahsildar.

Form XVI

[See Rule 33 (1)]

**Registering Officer's Monthly Return of Registered Transactions Affecting Land in
Village Taluka District for the month of 20**

Serial No. in registration	Name of village in which the land is situated	Nature of the document	Survey No. (or plot No.) and sub-division No. affected by the transaction	Area	Assessment
1	2	3	4	5	6

Tenure	Name and residence of the executor of the document	Name and residence of the person in whose favour the document is executed	Whether the registered in transaction is by order of Court or otherwise	Consideration	Date of execution of the document	Remarks
7	8	9	10	11	12	13

Place :

Date :

Designation of the Registering Officer

To,

The Tahsildar of Taluka District.

The Talathi of Village Taluka District

12. Section 150 (1) of the MLR Code casts a duty upon the Talathi to enter into a register of mutations every report made to him under Section 149 or any intimation of acquisition or transfer under Section 154 or from any seller/purchaser. Sub-section (2) of Section 150 further enjoins the Talathi having made an entry in the register of mutations, at the same time to post a complete copy of the entry in a conspicuous place in the Chavdi and give a written intimation to all persons appearing from the record of rights or register of mutations to be interested in the mutation, and so also to any other person whom he has reason to believe to be interested therein.

12.1 Such intimation under the first proviso can also be sent by short messages or mail where the provisions of Sec 148A are attracted. The second proviso does away the requirement of sending an intimation to the person/s who has/have executed the document in person before the officer registering the document under the Indian Registration Act 1908.

12.2 Rule 14 indicates the Form in which intimation is to be given under Section 150 of the MLR code to the Talathi which has to be in Form IX, which is quoted as under;

Form IX

(See Rules 14 and 24)

Intimation under Section 150 (2) of the Maharashtra Land Revenue Code, 1966

To,

.....

Whereas, an entry has been made in the register of mutations of the village in the taluka regarding the acquisition of rights in land as specified below :-

Serial No. or date of entry in the register of mutations	Nature of rights acquired	Survey number or sub-division number in which the rights have been[acquired]

And Whereas, it appears to me from the record of rights/register of mutations that you are interested in the said mutation;

And Whereas, I have reason to believe that you are interested in the mutation;

Now therefore, I (here enter name) the Talathi of the village in which the aforesaid land is situate, hereby intimate to you about the said mutation entry, and call upon of this intimation, your objection, if any, to the said entry.

Please note that if no objection is received by me within the said period of fifteen days, it shall be presumed that you agree to the said entry.

Place :

Date : Talathi of.....

13. *A circular has been issued by the State dated 29.7.2020 which indicates that above procedure is in force for four types of documents, viz. sale-deed, mortgage deed, gift & relinquishment, in practice it is found that this never happens and the entire system does not work in consonance with the above requirement. There is another notification dated 18.10.2021 in respect of properties in the city, where again it is stated that the aforesaid system has been implemented, however, it is contended that there is again a breach of the system in not following it.*

14. *With the help of Mr Patil, learned AGP and respective counsel appearing for the petitioner and the respondent nos. 1 and 2, the modus operandi in registering the documents, has been assessed as under :-*

14.1 *A person desirous of registering a document, has to fill in a data entry form, giving all the particulars of the seller/s as well as the purchaser/s and also the description of the property, its valuation, the stamp duty paid and the registration charges. This data entry form, to be filled in prior to presentation of the document for registration has to have the mobile number as well as the email Id. of the sellers as well as the purchasers. This data entry form is to be filed by the parties to the document. At the time of filing this data entry form in case the property is situated within the limits of the corporation, the city survey number; the sheet number; and the area in which such land is situated is to be indicated in the data entry form. Where the land is situated in the revenue area, the Khasara/survey/Gat number, including the sub divisions if any; the mouza where the land is situated has to be entered in the data entry form. This entry has to be filled in on line on the "iSarita" Portal/ server of the revenue department. At this point of time it is permissible, to link the data entry form, with the Electronic Property card information system (EPCIS) if the property is situated in the City and with the land record server (LR Server) if the property situated in the revenue area. Once this linkage is done, subsequent to the document being registered, the information as filed in the data*

entry form, is automatically transmitted to the city /revenue office.

14.2 *In case the linkage with the city/land record is not done at the stage of the data entry form, then before the registration of the document, the linkage can be done by the concerned Sub- Registrar, while registering the document in which case also, the information is automatically transmitted to the city survey/ revenue office on the registration being complete.*

14.3 *In case the linkage is not established in the above two junctures, then the concerned Sub- Registrar, manually sends the entire data, i.e. the index-II form for the entire month in the first week of the subsequent month. However Mr Patil submits that this procedure has been changed and now the index-II form after completion of the registration, in case there is no linkage, is manually sends daily to the office of the concerned City survey officer/Revenue Officer at Nagpur and the same system, according to him, is expected to be adopted for the entire State. This is the procedure, at the Sub-Registrar end.*

15. *Mr. Patil, AGP further submits that once the linkage to the City Survey Office/Revenue Office, has been made either at the stage of filling the data entry form or while registering the document, the information regarding registration of document stands supplied to the concerned City/Revenue Office, whereupon the said officer, i.e. the maintenance Survey Office in the office of the City survey and the Talathi in the Revenue Deptt., then, verifies the data in the index-II received by him, with the record of the city survey office/ Revenue Office and if the same matches, takes an entry in the mutation register. In case there are discrepancies between the Index-II and the data in the record of city/Survey office, the concerned officer has an option available on the dashboard to make according corrections regarding the spelling of the name of the recorded owner, original area of the city survey and like things. Once that is done a pencil/italic entry under Rule 13 of the Maharashtra Land revenue Record of Rights and Registers (Preparation and Maintenance) Rule, 1971, in the mutation register is taken. Thereafter, a notice/intimation is given to the sellers/purchasers or interested parties in form-IX, which as of now, according to the learned AGP, is being sent by UPC in the city area and by hand in the rural area. A notice is also posted on the e-chawadi.*

15.1 *After a period of 15 days is over from the date of issuance of the notice, the pencil/italic entry in the mutation register is finalized by the Circle Inspector on the revenue side and city survey officer on the urban side under Sec. 150(6) of the MLR Code.*

15.2 *It is further submitted that copies of such final mutation entries on the urban as well as rural side shall be available to the parties.*

15.3. *The same procedure is followed in case there is no linkage and the index-II, is sent manually. Even in case where there are no linkages, since the index-II and the data entry form are electronically filled, the same can be transmitted by the concerned sub-registrar electronically to the concerned city/revenue officer, who which make the requirement send it manually redundant in which case the same procedure for effecting the mutation entry as is adopted for the documents in which there is linkage, can be followed.*

15.4 *In case there are disputes the entries are taken in the record of the disputed register and the entries are finalized thereafter once the dispute is resolved either by an order of the city survey officer/Revenue Officer or the higher authority as the case may be.*

15.5 *Mr. Patil has also brought to my notice the circular dt 15.9.2022 by which the Respondent No.12 has directed all the concerned sub Registrars to ensure the correct addresses, mobile numbers, e-mail id in the data entry form, so that the subsequent process of mutation based upon that is simplified. He also invites my attention to the communication dated 29.7.2020 which enhances the e-mutation from four category of documents to six. However that itself is not sufficient, as a major chunk of the documentation is in respect of the apartments for which the deed of declarations have already been registered.*

15.6 *The communication dated 15/02/2023, by the Tahsildar Nagpur (Rural) indicates, that information of all documents registered, with the various Sub-Registrar in Nagpur Rural area of which there is no linkage with the office of the Tahsildar Rural in the data entry form are being sent to the various Talathis / Circle Inspectors on the email IDs as indicated in the tabular chart given therein, so that*

*information in respect of the registered documents which are not linked with the office of the Tahsildar in the data entry form for the purpose of mutation is being supplied on the daily basis to the concerned Talathi/circle Inspector. It is contended that similar arrangement has also been made insofar as city survey offices is concerned, whose email IDs has been created so that the aforesaid information could also be sent on daily basis by the concerned Sub-Registrar. This process, in my considered opinion would entail in the concerned City Survey Officer / Talathi, in receiving the information regarding registration of a document, on the same day, so that the process of mutation as contemplated by Section 150 and 154 of the Maharashtra Land Revenue Code would be initiated and completed within a maximum period of 30 days, from the date of receipt of information in case the entries are clear. In case there are persons, to whom the notices are required to be sent, which notice as per Form IX of the Maharashtra Land Revenue (Records of Rights and Registers (preparation and Maintenance) Rules, 1971 has to be for a duration of 15 days, the process of mutation, in such cases could be completed within a period of 45 days. It is also necessary for the mutation entry, to be communicated to the purchasers as well as the sellers. As of now, it is stated that a link is sent to the respective parties regarding the mutation having been effected and the party by accessing the link can view the entire progress of the mutation as well as mutation, which can also be viewed by putting the registration number of the document or the mutation case number in the official website **mahabhumi.gov.in**. It is however also necessary that once the mutation is effected, the copy of the mutation be sent to the purchasers as well as seller on the phone no. / Id as found in the data entry form. Mr. Patil, learned AGP, in view of communications dated 14/02/2023 of the District Superintendent of Land Records, and 15/02/2023 of the Tahsildar, Nagpur Rural, submits that in future arrangement will be made so that once the mutation entry is taken, the same is indeed sent to the parties to the documentation the phone number / Email ID as enumerated in the data entry form so that the party to the document would be in a position to get a print out of the mutation entry.*

15.7 Mr. Patil, learned AGP further submits on the basis of the communication dated 14/02/2023 of the District Registrar, Class I and Controller of Stamps, Nagpur, that along with the Index II form, the data entry form, will also be sent daily to all the City Survey Officers/Revenue Officers at Nagpur so that these officers would have access to the mobile

numbers / e-mail IDs of the sellers and purchasers, so that the notices / information, would then sent to them on such mobile numbers / email addresses, and once the statutory period of 15 days is over, where there are no disputes, the mutation entry would then be finalized / certified and copy of the mutation would be sent to the sellers / purchasers. This process is expected necessarily to be followed for the entire State, which would not only curtail the period within which the mutation entries are effected, but would also ease out the entire process, the citizenry being benefited. It is also necessary that a similar procedure could also be adopted in respect of documents in respect of an apartment scheme, where the deed of declaration has already been registered. It is also submitted, that some more time will be required for filing an affidavit of Settlement Commissioner or the any other appropriate authority, to further clarify the position in this regard, considering which list the matter on 28/02/2023.

List on 28/02/2023.

2] In pursuance to the order dated 23.2.2023 passed by this Court, the respondent no.13 has tendered an affidavit on record, which for the sake of reference marked as “Y” and taken on record. The order dated 23.2.2023 is made a part and parcel of this order.

3] The affidavit marked “Y” states and affirms as under :

A. That the information by various Sub – Registrars to the respective Maintenance Surveyors / Talathi as regard information to be shared / informed under section 154 of the Maharashtra Land Revenue Code (hereinafter referred as “Code”) shall be shared on daily basis i.e. the information in digital format as to all those documents of which auto trigger in e-ferfar/ electronic Property Card Information System (e-PCIS) is not successful on the respective official email IDs created for this purpose in an

independent module in e-ferfar or e-PCIS system for the action by concerned Talathis/Maintenance Surveyors, throughout the State. During the time of development of this new module the method which has been initiated at Nagpur level by communication dated 14.2.2023 bearing O.W.No.426/2023 and 510/2023 issued by the Joint District Registrar, Class-I and Collector of Stamps, Nagpur City, by which the email IDs of the respective parties, their Cell Phone numbers (if given) were to be shared for expeditious initiation of e-Mutation Case, its process, issuance of notices and decisions therein will be adopted in the entire State.

B. *The respective Talathi/Maintenance Surveyor will send the notice(s) as contemplated under section 150 of the Code as per Form IX of the Rules of 1971, to the respective parties on the email-IDs and SMS will also be sent on their cell phone numbers, if they give their email id & cell phone in the PDE summary, which is to be submitted by the parties during registration process. The said notices are being and shall also be posted on the 'Aapli Chavdi' portal as conspicuous place display in digital form. Government will also make all endeavor to popularize and sufficiently inform to all citizens that, 'Apli Chawadi' is public portal facility available where all the mutation notices are published . Notices as to their email-IDs &/or cell phone numbers and those parties/persons whose names appear of the Record of Rights/Register of Mutations so also to any other persons about whom the Talathi/Maintenance Surveyor has reason to believe to be interested therein (the property/transaction) will be sent by Speed/Regd. Post. Thereafter, on completion of 15 days' notice period, after the service of these notices, if objections are not received, the mutation case will be forwarded to concerned Circle Officer for certifying the mutation (as regards the Maintenance Surveyor, the mutation would be*

ipso facto available for the City Survey Officer for certification) Apart from this, a notice as required under section 230 of the Code - i.e. by Speed/Regd. Post on last known/supplied address of the respective parties will be continued. This procedure of regular notice cannot be done away with, as many officers had to face police complaints on the point of issuance and more particularly on the point of service of notice and also for the reason, that not all persons have or give email ids or phone number let alone cell phone number.

On certification of the mutation, a notice/information of completion of the process of mutation case shall be sent to parties on their email id and by SMS, so that the parties can download updated record from official website www.mahabhumi.gov.in.

C. As regards Deeds of Declaration do not fall within the ambit of section 154 of the Code and hence information thereto was not sent by the SROs to e-PCIS & e-ferfar till date in auto trigger manner. As it is observed as a genuine necessity of citizen facilitation by the Hon'ble High Court in order dated 28.02.2023, it is submitted that, the State has decided to allow auto trigger of Deed of Declaration, Deed of Apartment from i-Sarita to e-PCIS/e-Ferfar. Necessary change in these systems will be made, accordingly as soon as possible. The required legal provisions and amendments in current acts/rules will be pursued for bringing legal sanctity.

The contents of the affidavit are accepted as an undertaking to the Court by the respondent no.13.

4] In addition to that, Mr. Patil, learned AGP upon instructions makes a statement that the information as contained in the data entry form i.e. PDE Summary would also be sent to the various authorities for the purpose of mutation. He also submits that notices as contemplated in para B of the aforesaid affidavit shall also be sent on the e-mail id/ SMS of the parties to the document, in addition to the mode as stated therein. He further submits that the entire process of mutation from the date of registration till the mutation entry shall be completed in 30 days, unless it is a disputed entry and the final entry of mutation shall also be intimated to the parties to the document by the e-mail id/SMS (link). All these statements are accepted as statements to the Court and the respondent no.13 shall be bound by these statements.

5] Learned AGP shall place originals of the affidavits marked as “X” and “Y” on record, within a period of one week from today.

6] In view of the above position and the discussion made on merits of the matter, the petition is hereby allowed. The order dated 3.7.2019 (pg.64) is hereby quashed and set aside and the application for condonation of delay in filing the appeal is hereby allowed.

7] Parties are directed to appear before the learned SDO on 24.3.2023, who shall decide the matter before him as expeditiously as possible.

8] The Court records its appreciation, of all the respective counsels for the parties, the learned AGP Mr.N.R.Patil and the officers who have assisted him in this proceeding, in bringing out the above position and expects that the procedure would be made further simpler, so that the citizenry would have the benefit of the same.

JUDGE

Rvjalit