



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

Writ Petition (WP) No. 6967 of 2019

Shishupal S/o Patiram Tarjule and others

Versus

The State of Maharashtra, through Additional Commissioner, Nagpur
Division, Nagpur and others

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

Court's or Judge's Order

Shri P.D.Sharma, Advocate for the petitioners.

Ms. M.A.Barabde, AGP for the respondent nos. 1 & 2.

Shri U.K.Bisen, Advocate for the respondent nos. 3 to 8.

CORAM : ANIL S. KILOR, J.

DATED : 13th SEPTEMBER, 2023.

Heard.

2. The matter pertains to the correction of mutation entries. As per the petitioners, the parents of the petitioners Patiram purchased the land in question from Tulshiram the grandfather of respondent nos. 3 to 8 and after 30 years Prabhudas raised the dispute about the mutation entries.

3. The Tehsildar, Sakoli vide order dated 17th March, 2010 uphold the objection and set aside the mutation in the name of the petitioners. The said order was the subject matter of challenge before the Sub

Divisional Officer, Sakoli who has set aside the order of Tehsildar vide order dated 31st May, 2010.

4. Thereupon, the appeal was filed before the Additional Collector, Bhandara who allowed the appeal vide order dated 25th May, 2018 and set aside the order of Sub Divisional Officer and thereby maintained the order of Tehsildar.

5. In revision filed before the Additional Commissioner, Nagpur, the Additional Commissioner vide order dated 9th May, 2019 maintained the order of Tehsildar and the Additional Collector. Hence, this petition.

6. Though, it is the case of the petitioners that Patiram, father of the petitioners purchased the land in dispute from the original owner Tulshiram i.e. grandfather of respondent nos. 3 to 8, however, before none of the authorities, the petitioners produced the copies of sale-deeds.

7. The Tehsildar, the Additional Collector and the Additional Commissioner, therefore, held that there is no evidence on what basis the mutation entries were carried out in the name of Patiram.

8. Even, no copy of sale-deeds are filed along with present writ petition. However, the learned counsel for the petitioner is relying upon in paragraph 13 of the

judgment and decree passed by the Civil Judge, Junior Division, Sakoli in a suit bearing Regular Civil Suit No. 32 of 2010 filed by the petitioners for perpetual injunction, more particularly on paragraph 13, wherein there is a mention of certain sale-deeds. However, it appears that even before the Civil Court, the original sale-deeds were never produced and the said suit was dismissed against the petitioners.

9. In the circumstances, certain observations made in the said judgment referring to the sale-deeds are not sufficient to arrive at a conclusion that the order of the Tehsildar, the Additional Collector and the Additional Commissioner, are illegal.

10. The petitioners ought to have submitted the sale-deeds before the Revenue Authorities in support of their title and to maintain the mutation entries in the name of petitioners. However, it is apparent from the orders of revenue authorities that despite several opportunities were given to the petitioners, the petitioners failed to produce the copies of sale-deeds and therefore the authorities below have rightly arrived at the conclusion that it is not clear on what basis the mutation entries were recorded in the name of the petitioners.

11. In that view of the matter, I do not find any error committed by the learned Additional Commissioner in upholding the order of the Additional Collector and the Tehsildar. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]