



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 WRIT PETITION NO.2599 OF 2020

SAJJANBAI KANTILAL BAFNA DIED THROUGH LRS SUSHIL KANTILAL
BAFNA AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. M.R. Wagh, Advocate for petitioners

Mr. K.B. Jadhavar, AGP for respondent Nos.1 to 4

Mr. V.P. Savant, Advocate for respondent Nos.5A to 5F

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CORAM : S.G. CHAPALGAONKAR, J.

DATE : 28th JUNE, 2024

ORDER :

1 Heard Mr. M.R. Wagh, learned Advocate appearing for the petitioner and Mr. V.P. Savant, learned Advocate appearing for respondent Nos.5A to 5F.

2 It is not disputed before this Court that the Mutation Entry Nos.2133 and 2134 were certified by Tahsildar on 25.03.2000, thereby incorporating the name of the legal heirs of Sayarabai w/o Khushalchand

Raka in Record of Rights pertaining to Gat Nos.189 and 29 situated at village Khalegaon, Tq. Georai. The mutation entry shows that the names of Paras Khushalchand Raka and Sajjanbai Kantilal Bafna (petitioner) were recorded as legal heirs of original owner. The said mutation entries are intact and never challenged by respondent No.5. However, petitioner's name was not reflected on 7/12 extract.

3 Now, parties are litigating asserting individual rights in the property in Regular Civil Suit No.210/2014 pending before Civil Judge Junior Division, Georai, Dist. Beed. The learned Advocates for respective parties inform that the suit is at the stage of evidence.

4 In present petition the order passed by Hon'ble Minister dated 04.09.2019 in Appeal No.144/2019 is assailed which is arising out of the proceedings instituted by the petitioner seeking to carry forward the mutation entries as certified in her name. Petitioner had moved Tahsildar for correction of record in tune with mutation entry. Her application was allowed. Learned Sub Divisional Officer confirmed said order, however, learned Additional Collector set aside order of Tahsildar referring to Section 258 (1)(i) of the Maharashtra Land Revenue Code. But, learned Divisional Commissioner restored order of Tahsildar. Again in second Revision filed before Hon'ble Minister, order of Tahsildar has been set aside. Pertinently,

there is no challenge to order certifying mutation entry. Only ministerial act to carry forward mutation entry already sanctioned was pending. By order of Tahsildar ministerial act has been given effect. It is not the case of review of any order. Hence, Section 258(1)(i) of the M.L.R. Code would not impede Tahsildar to direct correction of entry in 7/12 extract in tune with mutation entry already certified. Hence, no fault can be found in the impugned order.

5 In this background it would be appropriate to direct that pending the adjudication in suit the names of the parties shall mutated in accordance with the mutation entries those were certified under order dated 25.03.2000. However, such entries shall be subject to final outcome of the Regular Civil Suit No.210/2014 pending before Civil Judge Junior Division, Georai.

6 Hence, writ petition stands dismissed with aforesaid directions.

(S.G. CHAPALGAONKAR)
JUDGE