

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

5 WRIT PETITION NO. 4649 OF 2024

SAMPAT SARANGDHAR GHOGARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS COLLECTOR
AND OTHERS

...
Advocate for the Petitioner : Mr. Barhate Patil Avinash N.
AGP for Respondents/State : Mrs. A.S. Mantri
...

CORAM : S. G. MEHARE, J.
DATE : 07th MAY, 2024.

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. Issue notice to the respondents.
3. Learned AGP waives service of notice for respondents/State.
4. Learned Counsel for the petitioner submits that the mutation entry of City Survey No. 206 was standing in the name of petitioner since last 40 years. However, respondents had impugned the said entry District Superintendent of Land Records. He allowed the appeal partly and directed to delete the names of petitioner and Rambhau Umaji Ghogare by order

dated 02.05.2016. He also remitted the matter to the Deputy Superintendent of Land Records, directing him to make an enquiry about the Resolution of Village Panchayat dated 16.10.1964 and panchayat records. He further directed to record the names of respondents in the land of the Village Panchayat given on lease in the other rights column. He submits that he unauthorizedly condoned the delay of 40 years.

5. The petitioner had impugned the order dated 02.05.2016 before the Dy. Deputy Director of the Land Records, Nashik. The appeal was turned down. Thereafter, the Deputy Superintendent of Land Records, Rahata, held the inquiry as per the order dated 02.05.2016. He passed the order dated 14.11.2019, holding that the name of the petitioner was deleted vide mutation entry No. 209 dated 01.06.2016 as per the order dated 02.05.2016 of the District Superintendent of Land Records. The petitioner was the applicant in that matter.

6. Though the order was passed against him, he did not impugn that order before the District Superintendent of Land Records, who decided the appeal on 31.10.2022 and allowed the appeal of respondent Nos.4 to 8 partly and again remanded the

matter to the District Superintendent of Land Records. They again impugned the said order before the Deputy Director of the Land Records, Nashik. He decided the appeal on 06.03.2023. He allowed the appeal and held that the names should be recorded for 600 Sq.Mtrs. Area vide Nagar Bhu. Kru.-206. It has also been observed that the name of the petitioner has already been cancelled by the mutation entry No. 209 dated 01.06.2016. Therefore, as per requirement, he should file a separate appeal.

7. Since mutation entry No.209 dated 01.06.2016, was never impugned before the Competent Authority, the petition of the petitioner cannot be entertained. Hence, the leave granted to withdraw the petition.

8. The Writ Petition stands disposed of as withdrawn without affecting the rights of the petitioner.

(S. G. MEHARE)
JUDGE

mahajansb/