



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6290 OF 2024

GAURAV PRAKASH GADIYA

VERSUS

**THE STATE OF MAHARASHTRA THROUGH MINISTRY OF
REVENUE AND ANOTHER**

...

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the Petitioner.

Mr. A. V. Lavte, AGP for Respondent Nos.1 and 2.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 27th JUNE, 2024.

P.C.:-

1. Heard Mr. Jahagirdar, learned Advocate appearing for the petitioner and the learned A.G.P. for respondent nos.1 and 2.

2. Mr. Jahagirdar, learned Advocate appearing for the petitioner submits that the application filed by the petitioner for entering his name in the record of rights pursuant to Sale Deed has been rejected on the basis of objection raised by one Smt. Mangal Anandrao Avhad, citing reason that 'lis pendens' has been registered in respect of the said property. However, before passing such order the petitioner was not heard.

3. Having considered submissions advanced, it is apparent that in case of any objection to the Mutation Entry, the petitioner ought to have been noticed and given due opportunity of hearing. The impugned order nowhere depicts that the petitioner was noticed about the objection and he was granted any opportunity of hearing before passing the order. Consequently, the impugned order cannot be sustained in law. Hence, the following order:

ORDER

- a. Writ Petition is partly allowed.
- b. The impugned order dated 08.12.2023 passed by the Deputy Superintendent of Land Record, Shrirampur-respondent no.2. is hereby quashed and set aside.
- c. The matter is relegated back to respondent no.2, who shall take fresh decision on application of the petitioner dated 31.08.2023 after hearing all the concerned including Smt. Mangal Anandrao Avhad within a period of two months from today.
- d. Writ Petition is disposed of..

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/June-2024