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

WRIT PETITION NO. 6762 OF 2024

MADHUKAR NAVNATH BIDWE AND ANOTHER

.... Petitioner

VERSUS

SOPAN VISHNU BIDWE AND OTHERS.

.....Respondent

Mr. Jadhavar Santosh Sampatrao, Advocate for the petitioner
Mr. N.D. Raje, AGP for respondents.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 25th JULY, 2024.

ORDER :-

1. Heard Mr. Jadhavar, learned advocate for the petitioner.
2. The petitioners seek correction of entries in Khasra Patrak of the year 1954-55 and enter their name in respect of record of rights of land Survey No. 27(1) to the extent of 1 Acre 3 Ghutnas and land Survey No. 27(2) to the extent of 24 Acres 27 Gunthas.
3. The Tahsildar entertained such application of the petitioners and vide order dated 18.3.2006, directed correction in the mutation entry. However, in the appeal filed by respondent No.1, the Sub-Divisional Officer set aside the order of Tahsildar. The Additional

Collector and the Honourable Minister confirmed said order.

4. It is apparent that the petitioners instituted proceeding in the year 2005 for correction of mutation record (Khasra Patrak) since 1954-55. Pertinently, entries in Khasra Patrak continued in record of rights and reaffirmed during Consolidation Scheme. Petitioners or their forefathers never raised objection to such entries for 50 years. The authorities have observed that the entries in the Khasra Patrak are effected before the Commencement of Maharashtra Land Revenue Code, 1966. There was no corresponding provision at the relevant time. Therefore, application under Section 155 of the MLR Code could not have been entertained.

5. It appears that the proceeding initiated by the petitioners after 60 years was wrongly entertained by the Tahsildar. In fact, Section 157 of the MLR Code prescribes presumption of correctness of old entries. Consequently, the revenue authorities up to the Minister, have concluded against petitioners. No jurisdictional error is pointed out so as to entertain the petition under Article 227 of the constitution of India. Hence, writ petition stands dismissed.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-