



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

5 WRIT PETITION NO. 7733 OF 2024

RAKHI MANOJ JODIWALE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Ms.A.R. Mate, Advocate for the petitioners.

Mr.S.B. Jadhav, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 10.09.2024

PC :-

01. Heard learned Advocate for the petitioners and learned AGP for respondent Nos. 1,2 and 5.

02. The petitioners have approached this Court with a prayer to quash and set aside communication dated 30.05.2024 by respondent No.2. By the impugned communication, respondent No.2 Tahsildar directed the petitioners to approach the higher authority by filing appeal. It is case of the petitioner No.1 that she had approached the Tahsildar for taking mutation entry in the name of her husband, namely, Manoj Jodiwale, pursuant to the judgment and order passed by the learned Adhoc District Judge-1, Jalna in RCA No. 122 of 2022. It is submitted that once judgment of the Civil Court is in favour of the petitioners, the revenue authority have to act upon said judgment and to take mutation entries

accordingly. Though the petitioners approached the Tahsildar, the Tahsildar instead of acting on the judgment of the Civil Court has directed the petitioners to approach the higher authority.

03. The learned AGP has taken instructions from the authorities, pursuant to order passed by this Court dated 29.08.2024. He submits that if the appeal is to be filed challenging the revenue entries, the appeal would lie to the Sub-Divisional Officer. If the petitioner No.1 wants to take mutation entry in her name, then she has to approach the Tahsildar under section 154 of the Maharashtra Land Revenue Code. If she is aggrieved by any of the order passed by the Tahsildar, then it is open to file an appeal under the Code.

04. From the application made by the petitioners, it is seen that the petitioner No.1 had applied only for insertion of her husband's name in the revenue record pursuant to the judgment and order of the District Court. As such, it appears that the petitioners needs to approach Talathi.

05. Though respondent No.3 is a private party, this Court finds that no interest of said respondent will be affected by this order and therefore no notice is required to respondent No.3. The petitioners are at liberty to approach the authority for seeking mutation in the name of petitioner No.1. Needless to say that the

authorities would act in accordance with law on the application of the petitioner. The petition accordingly stands disposed off.

[KISHORE C. SANT, J.]