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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 298 OF 2023**

Vishnu Kisan Alias Krishna Patil ... Petitioner
Vs.
Amit Ganpat Suryawanshi ... Respondent

Mr. Kalpesh Uttam Patil for the Petitioner.

Ms. P. J. Gavhane, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 18th MARCH 2024

P.C.

1. This Contempt Petition alleges breach of order dated 25th July 2011 passed in Writ Petition No. 5943 of 2010. Learned counsel for the petitioner submitted that by the said order there was a clarification that the position as on 24th June 2008 will continue subject to final orders of the Civil Court. He further submitted that inspite of the said clarification mutation entry is effected in the name of respondent nos. 1 to 4 on 18th May 2015. He submits that there are no final orders passed by the Civil Court. Thus, said entry has been effected in breach of order dated 25th July 2011 passed by this court.

2. I have perused the papers. Perusal of the orders passed by the revenue authorities indicate that on 24th June 2008 an order was passed on a complaint made by the petitioner that the order passed in his favour on 25th February 2000 for entering his name in the revenue record was to be implemented. Thus, as on 24th June 2008 there was no mutation entry in favour of the petitioner.

3. By order dated 25th July 2011 this court clarified that the position prevailing as on 24th June 2008 will continue. The mutation entry relied upon by the petitioner on page 68 of the petition indicates that the petitioners name has been entered in the revenue record on 21st August 2008 pursuant to a Will dated 29th January 2000. Thus, perusal of the record indicates that though there was a clarification issued on 25th July 2011 that the position prevailing as on 24th June 2008 shall continue, the name of the petitioner been entered pursuant to a Will relied upon by the petitioner. The said entry is dated 21st August 2008 i.e. after the relevant date of 24th June 2008. Thus, perusal of the record does not indicate that on 24th June 2008 petitioner's name was entered into revenue record.

4. The allegation made by the petitioner in the contempt petition is

that in view of entry dated 18th May 2015, the name of the petitioner has been deleted from the revenue entry and, hence, there is breach of order passed by this court. I do not find any substance in the said allegation, in as much as the learned counsel for the petitioner is unable to point out that petitioner's name was entered into revenue record on 24th June 2008 or prior to the said date.

5. Learned AGP submits that an affidavit in reply is filed pointing out that the concerned officer has explained that he was not aware about the order passed by this court. The affidavit in reply further states that after the order was brought to the notice of the concerned officer, he has made necessary representation before the District Superintendent of Land Records for reviewing earlier entries in terms of the order passed by this court on 25th July 2011.

6. In view of the aforesaid facts, I do not find that there is any breach of order passed on 25th July 2011. It appears that the petitioner's grievance is regarding entry in the revenue record for which alternate efficacious remedy is available to the petitioner by making appropriate application before the revenue authorities.

7. I do not find any reason to entertain the contempt petition. Contempt Petition is devoid of any merits. Hence, Contempt Petition is dismissed.

[GAURI GODSE, J.]