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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6172 OF 2024

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Kumudini Devdutta Rajwade & Ors. ... Petitioners

V/s.

The Tehsildar, Taluka Panvel & Ors. ... Respondents

Mr. L.M. Acharya with Mr. Anish Khandepar and Ms. Uroosha Shaikh for the petitioners.

Mr. P.G. Sawant, AGP for respondent Nos.1 to 4 – State.

Mr. Akshay R. Kulkarni i/by Mr. Ashutosh M. Kulkarni for respondent No. 5 – CIDCO.

CORAM : AMIT BORKAR, J.

DATED : APRIL 30, 2024

P.C.:

1. The challenge in this writ petition is to the order passed by respondent No.3 in exercise of powers under Section 258 of the Maharashtra Land Revenue Code, 1966 arising out of proceedings under Sections 149 and 150 of the Code. It is well settled that the entries effected under Sections 149 and 150 of the Code do not create or extinguish substantive rights over the immovable property. Therefore, neither the observations made in the impugned order nor any adjudication made by the authorities under the Code in a proceeding arising under Section 149 shall affect the petitioner's substantive rights to claim right, title and interest over the subject matter of the proceedings.

2. The petitioner shall always have liberty to adopt appropriate substantive proceedings, if he is aggrieved by any action taken by private respondents.
3. It is made clear that Mutation Entry Nos. 115 and 255 shall not affect rights of the parties.
4. With this clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)