

Nikita

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

**WRIT PETITION NO.14017 OF 2022
WITH
INTERIM APPLICATION NO.17141 OF 2022
IN
WRIT PETITION NO.14017 OF 2022**

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KAILAS
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Tukaram Bala Waghmare (since
deceased) Through LRS and Anr. ... Petitioner

V/s.

Ulhas Dattatraya Suryawanshi and Ors. ... Respondents

Mr. V. B. Rajure for the Petitioner-Applicant.

CORAM : AMIT BORKAR, J.

DATED : MARCH 4, 2024

PC.:

1. The petition arises out of exercise of power under Section 154 of the Maharashtra Land Revenue Code, 1966. It appears that the Appellate Authority under the Act, set aside the sale deed executed in favour of the respondent on the ground that such execution was contrary to the provisions of Maharashtra Tenancy and Agricultural lands Act, 1948.

2. However, the Second Appellate Authority set aside the order of Sub-Divisional Officer holding that the scope of inquiry under Section 149 of the Maharashtra Land Revenue Code, 1966 is restricted to ascertain whether the person applying for mutation is

entitled to the right as mentioned with the document of title. Validity of document of title cannot be enquired by authorities under the Land Revenue Code.

3. The Revisional Authority in the impugned order as held that the validity of the sale deed executed in favour of Respondent need to be adjudicated by Civil Court in a suit which is already instituted.

4. Therefore, in my opinion, no interference in the impugned order is called for.

5. It is made clear that the rights of the parties shall be decided by Civil Court in a pending suit.

6. The writ petition is dismissed. No Costs.

7. In view of disposal of the writ petition, the interim application stands disposed of as infructuous.

(AMIT BORKAR, J.)