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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10190 OF 2023**

Namdev Dattu Patil and Anr ... Petitioners

vs.

The State of Maharashtra and Ors ... Respondents

Mr. Rahul Shivaji Kadam for Petitioners.

Mr. Prashant Bhavake for Respondent No.7.

Mrs. S.S. Bhende, AGP for Respondent Nos. 1 to 6-State.

CORAM : GAURI GODSE, J.

DATED : 23rd JANUARY, 2024

P.C. :-

1. Heard.

2. This petition takes exception to the order dated 21st June 2021 passed by the learned Minister in RTS Revision filed under section 257 of the Maharashtra Land Revenue Code. In view of the impugned order mutation entry nos. 2720 and 2724 stand confirmed in the name of the contesting respondent.

3. Learned counsel for the petitioners raised an objection to the impugned order mainly on the ground that the respondents instead

of availing the remedy as provided under section 247 of the Maharashtra Land Revenue Code ('MLR Code'), directly filed a revision application before the State Government and obtained an order in their favour.

4. He also submits that the petitioners also have a share in the property which is the subject matter of the impugned mutation entry and hence, petitioners are aggrieved by the impugned order.

5. Learned counsel for respondent no. 7 states that the dispute was not regarding the petitioners' share in the property. He submits that by the disputed mutation entry, the names of the private respondents are entered as they are claiming to be co-sharers of the property. He submits that by the impugned order, the learned Minister has recorded that the parties belong to a joint family and are co-sharers of the properties. Hence, the mutation entries are effected on the ground that the parties have undivided rights in the property.

6. I have perused the papers. Learned counsel for the contesting respondent is right in submitting that the mutation entries are confirmed by the impugned order on the ground that the contesting respondents have undivided shares in the property. Petitioners do not dispute that the parties have undivided shares in

the said property. So far as the contention of the learned counsel for the petitioners that the respondents instead of availing remedy under section 247 of the MLR Code, directly approached the learned Minister is concerned, a perusal of the impugned order indicates that same is passed by exercising power by the Revisional Authority under section 257 of the MLR Code. I do not see any illegality or jurisdictional error in the exercise of the powers under Section 257 of the MLR Code in deciding the revision application filed by the private respondents.

7. By the impugned order, the mutation entries are confirmed on the ground that the parties have undivided shares in the property. The mutation entries are for a fiscal purpose and they are always subject to crystalizing rights of the parties by taking appropriate recourse to a civil suit and/or title documents in favour of the parties. In response to the submissions made by the learned counsel for the petitioners that they have an undivided share in the property, the learned counsel for respondent no.7 submitted that there is no dispute on the petitioners' claim of being co-sharer in respect of the property which is the subject matter of the impugned mutation entries.

8. Learned counsel for the petitioners states that the petitioners

may be granted liberty to adopt appropriate proceedings for entering their names in the revenue records if their names are deleted. Needless to record that it is always open for the petitioners to take appropriate steps as permissible in law for entering their names in the revenue record.

9. It is clarified that the order impugned in the petition and this order will not come in the way of the petitioners for getting their names entered in the revenue record as permissible in law.

10. For the reasons stated above, I do not find that there is any illegality or infirmity in the impugned order. Hence, I do not see any reason to interfere in the impugned order by exercising powers under Article 227 of the Constitution of India.

11. For the reasons aforesaid, the Petition is dismissed.

(GAURI GODSE, J.)