



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 4366 OF 2019
WITH
INTERIM APPLICATION NO. 3070 OF 2022
IN
WRIT PETITION NO. 4366 OF 2019**

Shri. Dagadu Appaji Sonule

.....Petitioner

Vs.

The State of Maharashtra through
Hon'ble Minister for Revenue and
Forest Dept and Ors

.....Respondents

CORAM : GAURI GODSE, J.

DATE : 5th MARCH 2024

P.C.

INTERIM APPLICATION NO. 3070 OF 2022:

1. This application is for bringing on record names of heirs and legal representatives of the sole petitioner. The application is within time. Names of heirs and legal representatives are mentioned in

paragraph 2 of the application.

2. For the reasons stated in the application, it is allowed in terms of prayer clause (A). Amendment to be carried out within two weeks.

WRIT PETITION NO. 4366 OF 2019:

3. Though served, none appears for respondent nos. 9A and 9B.
4. This petition takes an exception to the orders passed for challenging mutation entry no. 2338 in favour of respondent no. 9. The challenge to the said mutation by the petitioner has failed on the ground that the petitioners had not challenged the amendment to the consolidation scheme in favour of respondent no. 9.
5. Learned counsel for the petitioner states that during the pendency of the revision application before the learned Minister, the petitioner has filed revision application under the The Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947 ('the said Act'). Mutation entry No. 2338 is entered in the name of respondent no. 1 pursuant to the order passed approving the amendment to the consolidation scheme. Hence, the authorities

deciding the application of the petitioner challenging the said mutation entry have dismissed the petitioner's proceedings on the ground that the order passed under the said Act is required to be challenged by the petitioner. Since, the petitioner has already filed necessary revision application under the said Act, I do not see any reason to interfere in the orders impugned in this petition. In the event the petitioner succeeds in the revision application under the said Act, necessary revenue entries can be effected pursuant to order, if any, passed in favour of the petitioner. Thus, mutation entry no. 2338 shall be subject to decision in the revision application filed by the petitioner under the said Act.

6. Learned counsel for the petitioner states that revision application under the said Act filed by the petitioner is still pending. He therefore requests to expedite the hearing of the said revision application.

7. Concerned authority before whom the said revision application is pending is not party to this petition. Hence, the petitioner will be at liberty to make appropriate application before the Settlement Commissioner under the said Act for expeditious hearing of his

revision application.

8. Needless to record that if any application is made for expeditious hearing, concerned authority shall pass appropriate orders on the said application for deciding the revision application filed by the petitioner. Since the petitioner has already filed appropriate proceedings for challenging the order passed under the said Act, I do not see any reason to intervene in the impugned orders by exercising powers under Article 227 of the Constitution of India.

9. Hence, for the reasons stated above, petition is dismissed with aforesaid clarification that mutation entry no. 2338 shall be subject to decision in the revision application filed by the petitioner under the said Act.

[GAURI GODSE, J.]