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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8106 of 2022

WITH
WRIT PETITION NO.9297 of 2018

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Namdev Mahadev Patil & Ors ... Petitioners
V/s.
Pandharinath Balaram Gawand & Ors ... Respondents

Mr. Milind Deshpande i/by Mr. Niranjan Deshpande,
for Petitioners.

Mr. Umesh R. Mankapure, for Respondent Nos.1 to 19.

Mr. M. S. Srivastava, AGP for State/Respondent Nos.24
to 29.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 15, 2024

P.C.:

1. **Rule.** Rule is made returnable forthwith.
2. Both the writ petitions arises out of entry of legal representatives of original ancestors Rama .
3. The mutation entry was effected in the year 1961. The second mutation entry was effected in the year 1992. The respondents filed an appeal in the year 2011 challenging mutation

entries effected in the year 1961 and 1992. By the impugned orders the authorities under the Maharashtra Land Revenue Code, 1966 entered names of respondents in revenue record.

4. Learned Advocate for the petitioners made various submissions on merit. According to him, the entries of respondents name in revenue record will prejudice legal rights of the petitioners. The respondents based on such mutation entries will claim right over the immovable property. Without condoning the delay, the authorities could not have allowed the appeal. Moreover, whether the representatives fall within Class-I or Class-II heirs under the provisions of Hindu Succession Act, 1956 cannot be adjudicated by revenue authorities.

5. The scope of proceedings under Section 149 and 150 of the Act is well settled. It is also well settled that mutation entry neither creates nor extinguishes a right, title or interest in the immovable property. Neither the respondents nor the petitioners can claim substantive rights based on mutation entry in the revenue record. Therefore, merely because respondents name are entered in revenue record, it will not confer substantive rights on the respondents to make a claim over the immovable property. It is always open for aggrieved person to file a civil suit claiming appropriate relief for establishing rights claiming by him.

6. Since, the effect of the impugned order does not legally affect rights of respondents. No interference under constitutional jurisdiction is called for.

7. Both the writ petitions are, therefore, dismissed. No costs.

8. Rule stands discharged accordingly.
9. Interim relief granted from 3 September 2018 is continued for period of six weeks from today.

(AMIT BORKAR, J.)