

AGK

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

WRIT PETITION NO.3867 OF 2024

Dilip Dadadu Mahadik

... Petitioner

V/s.

Sub-Divisional Officer,
Daund-Purandar & Ors.

... Respondents

Mr. Nitin P. Deshpande for the petitioner.

Mrs. V.R. Raje, AGP for respondent Nos.1 to 4/State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 19, 2024

P.C.:

1. Prima facie it appears that the respondent No.5 filed appeal purportedly under Section 247 of the Maharashtra Land Revenue Code, 1966 for a direction to delete entry of the petitioner's name and for cancellation of mutation entry. However, the Sub-Divisional Officer by the impugned order has purportedly exercised power under Section 23(2) of the Mamlatdar's Courts Act, 1906 and has canceled the mutation entry and has further directed handing over of possession to the extent of 2-Acre 37-Are. Prima facie such exercise of power is without jurisdiction and authority.

2. Hence, issue notice to respondent Nos.5-A to 5-D, returnable on **11 June 2024**.

3. There shall be ad-interim relief in terms of prayer clause (b) until further orders.

(AMIT BORKAR, J.)