

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

**RAMESHWAR
LAXMAN
DILWALE**

WRIT PETITION NO.9964 OF 2024

Rupesh Ishwarlal Nimhan & Ors. .. Petitioners

Vs.

The State of Maharashtra & Ors. .. Respondents

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LAXMAN DILWALE
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Mr. S. S. Panchpor (through VC), Advocate for petitioners.

Ms. Kavita N. Solunke, AGP for respondent-State.

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**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 25th JULY, 2024.

P.C. :

1. Heard. The challenge raised in this writ petition is to the implementation of the order passed by the Circle Officer on 01/04/2024 under Section 150 of the Maharashtra Land Revenue Code, 1966. By that order, Mutation Entry No.7115 came to be certified. The learned counsel for the petitioners submits that though the said order was passed on 01/04/2024, a message was sent to the petitioners on 12/06/2024 stating therein that the proceedings had been finally decided by the Circle Officer. The said mutation entry was immediately certified and the revenue records were corrected accordingly. Though time of sixty days is available for a party aggrieved to raise a challenge to such order, the certification of the entry was undertaken prior to that period. As a result, the petitioners have been prejudiced and it is likely

that the respondent nos.4 to 6 would take advantage of that mutation entry. It is therefore urged that the mutation entry as certified be cancelled subject to the petitioners availing the appellate remedy.

2. We find that against the order dated 01/04/2024 passed by the Circle Officer, the statutory remedy of filing an appeal under Section 247 of the Code is available to the petitioners. In said proceedings, it is open for the petitioners to make an interim prayer including the prayer for deletion of the mutation entry by way of interim relief pending decision in the appeal.

In that view of the matter, since a statutory remedy is available including the option to seek appropriate interim order, we are not inclined to entertain the writ petition. All points raised here can be urged before the Appellate Authority for consideration. Thus keeping all points open, the writ petition is disposed of as not entertained. In case the petitioners prefer the statutory appeal and make a prayer for grant of interim relief, the same shall be considered expeditiously in accordance with law. Ordered accordingly.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]