

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

WRIT PETITION NO. 10594 OF 2024

Nayan Bharat Davda And Ors ...Petitioner
Versus
Murlidhar Ramchandra Kamble And Ors ...Respondents

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Mr. Akshay Pethkar, with Mr. Mayuresh Ingale, for the Petitioner.

Mr. Suhas Indamdar, for Respondent Nos. 1 to 9.

Mr. Y.D. Patil, A.G.P. for Respondent Nos. 11 to 13 – State.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 30th JULY, 2024

P.C.:

1. Heard Mr Akshay Pethkar, the learned counsel for the petitioner. The petition questions the order dated 26.02.2024 passed by the Sud Divisional Officer, in which delay of around 28 years in challenging Mutation Entry No. 1294 dated 05.01.1993, has been condoned, without the petitioner being made a party, in whose favour Mutation Entry No. 2150 dated 25.05.2004 in respect of the same property stands, on account of the Sale Deed dated 23.04.2004, and even the appeal itself has been allowed (page 69).

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2. Though there is an alternate remedy of an appeal available before the Collector under Section 247 of the Maharashtra Land Revenue Code, learned counsel for the petitioner submits, that this is a fit case for exercising the jurisdiction under the Article 227 of the Constitution of India, which ought to be invoked considering a fraud has been played upon the revenue authority. However, what is material to note is that in support of the above contention that the petitioner's name was recorded, in respect of the subject property vide Mutation Entry No. 2150 dated 25.05.2004, nothing has been placed on record on account of which the question whether the respondent Nos. 1 to 9, were unaware of Mutation Entry No. 2150 or of the plea that the Mutation Entry No.2150, related to the subject property itself would be a question, which would depend upon disputed facts, considering which since the petitioner has an alternate remedy of filing an appeal before the Collector under Section 247 of the MLR code, I did not see any reasons to interfere with the impugned order. The petition is dismissed. No costs.

(AVINASH G. GHAROTE, J.)