IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10940 OF 2024

Ankush Haribhau Kalate & Anr. …. Petitioners

V/s.

The Sub Divisional Officer & Ors. …. Respondents

Mr.Suresh Sabrad i/b Mr.Vikram Walawalkar a/w Mr.Amey Sawant, Mr.Pratik Sabrad, Ms.Neha Parte, for the Petitioners.
Ms.Snehal S. Jadhav, AGP, for Respondent No.1-State.

CORAM : R.M. JOSHI, J.

DATE : 8th AUGUST 2024

P.C:-

. Heard.

2. The learned counsel for the Petitioner submits that the Petitioners are the owner of the subject land which was purchased by Sale Deed dated 26th February 1992. He further contends that, the Mutation Entry was recorded on the basis of the said documents bearing No.1809. It is his submission that, after lapse of about 32 years a proceeding is filed before the SDO challenging the said Mutation Entry. By drawing attention of this Court the order passed by the SDO, it is contended that, the

SDO has decided the said enquiry as if Civil Court deciding the rights of the parties to execute the Sale Deed in respect of the property in question.

3. It is in his submission that having regard to the facts of the case the order impugned herein is not sustainable. He has grievance that the Appellate Authority who has casually refused to entertain the Application for stay of the order impugned before it.

4. The learned counsel for the Petitioner make submission that, the pursuant to the order passed by the SDO dated 21st May 2024, the land in question has been mutated in the name of the contesting Respondents. He has apprehension that, the contesting Respondents may create third party interest in the subject property and further mutation can be recorded on the basis of such transactions. This according to him will create further complication in the proceeding and will prejudicely affect rights/interest of Petitioners.

5. *Prima facie* this Court finds substance in the contention of the counsel for the Petitioner that the Revenue

Authorities seems to have transgressed his jurisdiction while setting aside Mutation Entry No.1809 standing in favour of the Petitioner. Thus, arguable case is made out by the Petitioner. In the interest of justice, the Revenue Authorities are hereby restrained from taking any further Mutation entry in respect of the subject land till next date of the hearing.

6. Issue notice to the Respondents, returnable on 4th September 2024.

7. Ms.Snehal S. Jadhav, the learned AGP waives service of Respondent No.1.

(R.M. JOSHI, J.)