

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

WRIT PETITION NO.12115 OF 2024

New Era High School,	]	
Mahabaleshwar, Panchgani	]	.. Petitioner
<i>Versus</i>		
1. State of Maharashtra,	]	
Through Revenue and Forest Department	]	
2. The Tahsildar and Executive Magistrate,	]	
Maharashtra Revenue and Forest Department	]	
3. Anmol Kamble,	]	
Vice President, The Prerana Jankalyan Samajik	]	
and Shaikshanik Sanstha, Panchgani	]	.. Respondents

Dr. Milind Sathe, Senior Advocate, with Mr. Viraj Parikh, Mr. Nooruddin Dhillal and Ms. Trisha Sarkar, Advocates, i/by AZB & Partner, for the Petitioner.

Ms. Geeta Shastri, Panel 'A' Counsel, with Mr. Swapnil P. Kamble, Assistant Government Pleader for Respondent Nos.1 and 2.

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

DATE : 27TH AUGUST, 2024.

PC. :

1. The challenge raised in this writ petition is to a notice dated 21st August 2024 issued by the Tahsildar, Mahabaleshwar calling upon the petitioner through its Head Master to appear before the Tahsildar and submit documents in its possession.

2. It appears that on the basis of a complaint made by the 3rd respondent indicating the status of the Revenue Records pertaining to one "The National Spiritual Assembly of Baha'i, Bharat, Pakistan and

Brahmadesh” with regard to Gat No.128, action is sought to be taken. It is the case of the petitioner that a similar notice came to be issued to the said Public Trust on 14th August 2024, to which a reply has been given on 21st August 2024. According to the petitioner, the school building where its activities are conducted is not constructed on Gat No.128. The Tahsildar has no jurisdiction whatsoever to seek documents from the petitioner. The petitioner apprehends that in view of newspaper reports, the Tahsildar will travel beyond the jurisdiction and take steps with regard to which he has no authority in law.

3. The learned Additional Government Pleader for respondent nos.1 and 2 seeks time to file affidavit-in-reply. According to her, school has been called upon only to submit documents with a view to make further enquiry.

4. Prima facie the jurisdiction of the Tahsildar in the matter of correction of Revenue Records is governed by the provisions of the Maharashtra Land Revenue Code, 1966. Except for an authority to correct the Revenue Records, the Code does not empower the Tahsildar to take any further action as referred to in the notice dated 21st August 2024, which includes closing down the school and cancelling its recognition. We note the submission made on behalf of the petitioner, on instructions, that the school building is not located on Gat No.128.

5. Considering the fact that Gat No.128 belongs to “The National Spiritual Assembly of Baha’i, Bharat, Pakistan and Brahmadesh” to which a similar notice has been issued on 14th August 2024 and that matter is being considered by the Tahsildar, it is directed that it would be open for the petitioner without prejudice to its challenge to the said notice, to submit documents with regard to its Revenue Records before the Tahsildar.
6. Till the next date of the proceedings, the Tahsildar shall not adjudicate the said notice.
7. Stand over to 10th September 2024 to enable the reply to be filed.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]