

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

WRIT PETITION NO.14264 OF 2024

Dimple Construction, Bhayander (West) .. Petitioner

Vs.

State of Maharashtra,
Through Revenue Department and Ors. .. Respondents

Mr. Mayur Khandeparkar with Mr. Aditya Shirolkar, Mr. Nitesh Ranavat, Ms. Disha Shetty and Mr. Bhavin Bathra, Advocates, i/by Wadia Ghandy & Co., for the Petitioner.

Mr. N.K. Rajpurohit, Assistant Government Pleader for the Respondent-State of Maharashtra.

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

DATE : 18TH OCTOBER 2024.

PC. :

1. It is submitted by the learned counsel for the petitioner that the order passed by the Sub-Divisional Officer on 8th June 2022 setting aside Mutation Entry Nos.3437, 169 and 1250 came to be set aside by the Additional Collector in an appeal that was decided on 1st January 2024. By that order, the proceedings were remanded to the Sub-Divisional Officer for fresh consideration. It is therefore submitted that in the light of Rule 36 of the Maharashtra Land Revenue Record of Rights and Registers (Preparation and Maintenance) Rules, 1971, the mutation entries that were earlier deleted are liable to be restored since the order passed by the Sub-Divisional Officer has been set aside. Though a request in that regard was made, the Additional Tahsildar on 25th April 2023 has refused to do so.

2. Issue notice to the respondents, returnable on 29th November 2024. The learned Assistant Government Pleader waives notice for the respondent-State of Maharashtra.

3. In case there is no order of stay operating against the order of remand dated 1st January 2024, the Tahsildar is free to proceed in accordance with Rule 36 of the Rules of 1971 if there is no other legal impediment.

4. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]