



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.3616 OF 2024
WITH
INTERIM APPLICATION NO.3592 OF 2025
IN
WRIT PETITION NO.3616 OF 2024**

Rafique Ahmed Dada ..Petitioner
vs.
State of Maharashtra and ors. ..Respondents

Mr. Milind Sathe, Senior Advocate, Mr. Naushad Engineer,
Senior Advocate, Mr. Narayan Sahu a/w Mr. M. S. Federal,
Mr. Shrinivasan Mudaliar, Mr. Dinkar Desai i/b. Federal &
Company, for the Petitioner/Applicant.

Smt. Prachi Tatake, Addl.G.P. a/w Smt. Nazia Shaikh, AGP, for
Respondent Nos.1 to 3-State.

Ms. Jyoti Mhatre a/w Ms. Anuja Tirmali i/b. Ms. Komal
Punjabi, for Respondent Nos.4 and 5-BMC.

Mr. Smit Nagda a/w Mr. Pankaj Pandey, for Respondent Nos.6
to 8.

Mr. Somnath Gore, AE I/c SE, TP, present in Court.

**CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.**

DATE : 29th JULY, 2025

P.C. :

1. Heard learned counsel for the parties.
2. The Petitioner became the owner of the property
bearing Final Plot No.126 of Village Vile Parle (East), TPS-II

admeasuring 902 square yards or thereabouts and as per CTS No.1157, Village Vile Parle (East), Taluka Andheri, District Mumbai admeasuring 754.2 square meters and bearing Mumbai Municipality K Ward No.736 situate, lying and being at Dixit Road, Vile Parle (East), Mumbai 400 057 by virtue of a consent decree dated 8th February 1956. At the relevant time the Petitioner was minor. The Respondent Nos.6 to 8 are the lessees in respect of the suit property. The predecessor in title of the Respondent Nos.6 to 8 died and therefore the Respondent Nos.6 to 8 wanted to have their names entered in the Record of Rights as lessees in respect of the said property. On 4th December 2010 a fresh renewed lease was entered into between the Petitioner and the owner of the suit property and the Respondent Nos.6 to 8 as lessees acknowledging that the Petitioner is the owner of the suit property and that the Respondent Nos.6 to 8 are the lessees.

3. The difficulty for the Petitioner arose when on 23rd June 2014 mutation entry No.1198 was recorded which is at page 149 of the paper-book where the names of the

Respondent Nos.6 to 8 is shown as the owners of the property. Then on 19th November 2015, mutation entry No.1418 was recorded wherein again the Respondent Nos.6 to 8 are shown as owners. In the mutation entry dated 25th July 2016 the Respondent Nos.6 to 8 are shown as owners.

4. The Petitioner made an application to the Revenue Authorities on 29th December 2023 which is at page 153 of the paper-book for making the necessary corrections and recording the name of the Petitioner as the owner of the suit property.

5. Shri Milind Sathe, learned Senior Advocate submits that in terms of Section 150 of the Maharashtra Land Revenue Code, 1966 no notice was ever given to the Petitioner before making corrections in the Revenue records. Learned counsel for the Respondent Nos.6 to 8 fairly admits on instructions that the Petitioner is the owner of the suit property and that Respondent Nos.6 to 8 are lessees. Learned counsel for the Respondent Nos.6 to 8 submits that there is no dispute about the Petitioner being the owner of the suit property and that the Respondent

Nos.6 to 8 being successors in interest of their ancestors, are the lessees of the suit property.

6. In this view of the matter, it is obvious that the entries made in the mutation entry No.1198, 1418, 1499 and 1500 indicating the Respondent Nos.6 to 8 as owners without even notice to the Petitioner is erroneous. These mutation entries accordingly need to be corrected and set aside. The Respondent Nos.6 to 8 have no objection to record the name of the Petitioner as the owner of the suit property in the record of rights. The application dated 29th December 2023 which is at page 153 of the paper-book will have to be considered by the City Survey Officer in this light ensuring necessary corrections are made in the Revenue records recording the name of the Petitioner as the owner of the aforesaid property.

7. Ms. Prachi Tatake, learned Additional Government Pleader while opposing the Petition submitted that this error must have happened because of the changes that were made in the B Form of the Municipal Corporation at the time of implementation of the town planning scheme. It appears

that the notice by the Mumbai Municipal Corporation was only given to the Respondent Nos.6 to 8 and not to the Petitioner who is the owner of the suit property. It is therefore obvious that even the town planning scheme can be amended only after due notice to the Petitioner who is the owner of the suit property. Consequent changes will have to be made in the records of the Mumbai Municipal Corporation.

8. Suffice it to observe that the Respondent No.3-City Survey Officer shall make the necessary changes in the Revenue records in view of the application dated 29th December 2023 made by the Petitioner and in view of the observations made by us in this order. The Petitioner be shown as the owner of the suit property in the Revenue records and Respondent Nos.6 to 8 be shown as the lessees of the suit property. The necessary changes in terms of the application shall be made within a period of four weeks from today. The mutation entry Nos.1198, 1418, 1499 and 1500 are quashed and set aside.

9. The Writ Petition is allowed and disposed of.

10. The Interim Application No.3592 of 2025 stands disposed of.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)