



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 4619 of 2021

ra s/o Shamraoji Thele ..vs.. Additional Commissioner, Amravati Division, Amravati and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. P. Kalmegh, Advocate for the petitioner
Ms. S. N. Thakur, AGP for respondent nos. 1 to 4
Mr. G. R. Sadar, Advocate for respondent nos. 5, 8 and 9

CORAM : ANIL L. PANSARE J.

DATED : 09-09-2024

The petitioner is aggrieved by the orders passed by the Additional Commissioner, Amravati Division, Amravati as also the Additional Collector, Amravati refusing to mutate the petitioner's name in the revenue record.

2. According to the petitioner, the land under question i.e. Field Gat No. 335 admeasuring 1.24 HR situated at Village Wagholi was allotted to one Mahadeorao Ganpatrao Shinde, who expired on 18-6-2008. Respondent nos. 5 to 9 are legal heirs of Mahadeorao Shinde and accordingly, their names were mutated in the revenue record vide Mutation Entry No. 474/164. The petitioner filed appeal against the said entry on the ground that Mahadeorao Shinde has on 13-3-2000 bequeathed the property in his favour vide registered Will. According to respondent nos. 5 to 9, said Will is a false and forged document. Thus, the execution of Will has been disputed by the respondents.

3. The Hon'ble Supreme Court in the case of *Jitendra Singh Vs. State of Madhya Pradesh and others* [2021 SCC OnLine SC 802] has held that if there is any dispute with respect to the title and more particularly, when the mutation entry is sought to be made on the basis of Will, the party who is claiming title/right on the basis of Will has to approach appropriate Civil Court/Court and get his rights crystallized and only thereafter on the basis of decision of the Civil Court, necessary mutation entry can be made.

4. In view thereof, I do not find any reason to interfere with the impugned orders. Writ petition is accordingly dismissed.

(Anil L. Pansare, J.)