IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition (WP) No. 1580 of 2019

Dnyandeo S/o Late Shri Sakharam Bhagile and others

Versus

Additional Commissioner, Amravati Division, Amravati and others

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

Shri A.P.Wachasundar, Advocate for the petitioners.
Shri U.R.Phasate, AGP for the respondent no.1.
Shri Ritesh Badhe, Advocate for the respondent nos. 2 to 5.

CORAM : ANIL S. KILOR, J.
DATED : 30th JANUARY, 2024.

Heard.

2. The petitioners who filed an appeal before the Sub-Divisional Officer, Buldana for correction of mutation entries recorded on 4th April, 1989, 27th February, 1993, 10th June, 2006 and 19th April, 2011, came to be allowed but reversed by the Additional Collector, Buldana and the reversal was upheld by the Additional Commissioner, Amravati Division, Amravati vide impugned order dated 25th March, 2018.

3. Admittedly, the appeal filed by the petitioners for cancellation of mutation entries in respect of lands in dispute are of a period span from 1989 to 2006, whereas, the appeal was filed in the year 2012

after such a long delay which has not been explained. Moreover, after going through the appeal memo, it is evident that they are disputing the genuineness of certain documents namely sale-deeds mentioned in the appeal memo on the basis of which the mutation entries in question were recorded. It is the case of the petitioners that those sale-deeds are forged and fabricated one.

4. Thus, considering the case of the petitioners, the Additional Collector as well as Additional Commissioner both have rightly held that the revenue authorities have no jurisdiction to adjudicate the issue about the genuineness of any documents and further held that it is a matter of evidence that can be established and proved in a civil suit.

5. If the petitioners are asking for cancellation of mutation entry of the year 1989 by filing an appeal in the year 2012, there is a delay of 23 years which has not been explained.

6. Moreover, it is a settled law as held by the Hon'ble Supreme Court in the case of *Balwant Singh and another Vs. Daulat Singh (Dead) by Legal Representatives and others*[1] that mutation of property in revenue records neither creates nor extinguishes title to

1 (1997) 7 SCC 137

the property nor has it any presumptive value on title. Such entries are relevant only for the purpose of collecting land revenue.

7. In the circumstances, I do not find any error committed by both the authorities below in holding against the petitioners. Hence, I do not find any merit in the present writ petition. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]