



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

21 WRIT PETITION NO. 3186 OF 2016

BHIMASHANKAR DATTATRAYA DESHMANE AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA, THR. SECRETARY/SPECIAL DUTY
OFFICER (AVR), REVENUE & FOREST DEPARTMENT, MUMBAI
AND OTHERS**

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Mr Ajinkya S. Deshpande, Advocate h/f Mr Amit S. Deshpande,
Advocate for petitioners

Mr K. N. Lokhande, A.G.P. for respondent Nos.1 to 3

Mr S. S. Rathi, Advocate for respondent No.4

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 30th June, 2025

PER COURT:

1. Heard Advocate Mr Ajinkya Deshpande holding for Advocate Mr Amit Deshpande, learned counsel for the petitioners, learned A.G.P. appearing for respondent Nos.1 to 3 and Advocate Mr Rathi, learned counsel for respondent No.4.

2. This petition takes exception to the order dated 17/12/2015, passed by respondent No.1/Secretary, Revenue and Forest Department, thereby rejecting the appeal filed by the petitioners, challenging the order dated 19/09/2013, passed by the Deputy Director of Land Records, Aurangabad.

(2)

3. The controversy in short is about challenge to the mutation in the name of respondent No.4. The petitioners' contention is that respondent No.4/Raghunath Shrinivas Baheti does not have title with respect to portion of property, and despite that, his name appears in the record and the challenge raised by the petitioners was rightly allowed by the Deputy Superintendent of Land Records, Latur, by order dated 12/03/2012.

4. Learned counsel for the petitioners submits that, subsequent challenge raised before the District Superintendent of Land Records, Latur by respondent No.4/Raghunath Shrinivas Baheti was wrongly decided by order dated 16/10/2012 and therefore, the same was subjected to further challenge before the Deputy Director of Land Records, Aurangabad by way of appeal, which was decided on 19/09/2013.

5. Learned counsel for the petitioners further submits that, since the title of respondent No.4 is not yet decided finally, the mutation in his name needed to be deleted. He submits that the impugned order only refers to the pendency of Regular Darkhast case, and without considering crucial aspect of title of respondent No.4, the appeal filed by the petitioners was rejected.

(3)

6. As against this, Advocate Rathi, learned counsel for respondent No.4 submits that the impugned order rightly takes into consideration the pendency of Darkhast case and further, in view of the mischief committed by the petitioners themselves by selling property beyond their entitlement, as recorded in compromise deed dated 13/06/2000, the claim raised by the petitioners for deleting the name of respondent No.4 is rightly refused by the impugned order.

7. After considering the submissions advanced, it becomes clear that Regular Darkhast bearing No.5/2001 is still pending before the Executing Court (Civil Court, Latur). This fact is not disputed by the petitioners. A perusal of the impugned order shows that respondent No.1 has taken into consideration the fact of pendency of civil litigation including the pendency of Regular Darkhast and has observed that the order dated 12/03/2012, passed by the Deputy Superintendent of Land Records, Latur of deleting the name of respondent No.4/Raghunath Shrinivas Baheti was rightly set aside. The impugned order clearly records that, in view of the pendency of Regular Darkhast case, the appeal filed by the petitioners for deleting the mutation in the name of respondent No.4 was liable to be rejected.

(4)

8. Having regard to the entire controversy, it appears that during pendency of execution case, there is no need to delete the name of respondent No.4 and after completion of the execution proceedings, the consequential mutation entries can be carried out. In view of the pendency of Regular Darkhast case, it is rightly observed that there is no question of deletion of name of respondent No.4 till Darkhast case is decided. I do not find any perversity in the impugned order. The order appears to be well reasoned and needs no interference. The writ petition is, therefore, dismissed. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

sjk