



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

47 WRIT PETITION NO. 11905 OF 2023

Shiram Shivram Mutkule And Another
VERSUS
The Tahashildar, Sengaon And Others

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Advocate for Petitioners : Mr. G.C. Navandar
AGP for Respondents: Mr. K S Patil
Advocate for Respondent 3 : Mr. V. N. Shinde
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CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 30, 2025

FINAL ORDER :-

1. Present writ petition is filed with following prayer :-

“b. By way of issuance of writ of certiorari or writ or order of direction in like nature, to quash and set aside the impugned order dated 5.7.2023 passed by the learned Additional Commissioner, Aurangabad in File No.2022/ROR/REV/CR/50 thereby rejected the appeal and confirmed the order dated 28.6.2021 passed by Tahsildar, Sengaon in File bearing No.Ja/Kra.2021/Jma-155/Kavi-980, by which name of respondent no.3 Jairam Shivram Mutkule (deceased) mutated in 7/12 extract in gut no.126 to the extent of 2H 28R Pot Kharab 0H01R village Belkheda (Bk). Tq. Sengaon, District Hingoli.”

2. Mr. Navandar, learned advocate appearing for the petitioners submits that petitioners alongwith one Gayabai and Ansabai Shivram Mutkule were joint owner of agriculture land gat no.126, admeasuring 2H 28R situated at village Belkheda,

Tq. Sengaon, District Hingoli. Their names were mutated in record of rights. On 24.5.2021 an objection was raised by the respondent no.3 to mutation entries and correction was sought in the revenue record by replacing name of the Jairam @ Jejaram Mutkule, as legal heir of deceased Shivram Mutkule. It appears that said application has been entertained under section 155 of the Maharashtra Land Revenue Code (for short MLR Code).

3. Learned Tahsildar observed that in pursuance to the Government Resolution dated 23.1.2013 mutation record has been computerized and RE-Edit Module has been adopted. However, some errors occurred in the E-record, which needs correction. Learned Tahsildar further observed that there is conflict between original hand written record and computerized record, which needs to be corrected. Accordingly, application filed by respondent has been allowed without issuing notice to the petitioners.

4. At this stage reference to Section 155 of the MLR Code is necessary, which reads thus :-

155. Correction of clerical errors :-

The Collector may, at any time, correct or cause to be corrected any clerical errors and any errors which the

parties interested admit to have been made in the record of rights or registers maintained under this Chapter or which a Revenue Officer may notice during the course of his inspection:

Provided that, when any error is noticed by a Revenue Officer during the course of his inspection, no such error shall be corrected unless notice has been given to the parties and objections, if any, have been disposed of finally in accordance with the procedure relating to disputed entries.

5. Proviso to section 155 of the Code mandates that when any error is noticed by the Revenue Officer during course of his inspection, no such error shall be corrected unless notice has been given to the parties and objections if any have been disposed off finally in accordance with the procedure relating to dispute. Even it is discernible from language of section that powers under section 155 of the MLR Code can be exercised when parties admits error and consents for such correction.

6. In the present case, neither petitioners have consented for correction nor notices were issued to them before passing the impugned order. Hence, impugned order dated 28.6.2021 passed by the Tahsildar, Sengaon appears contrary to the mandate of section 155 of the Code.

7. In the result, writ petition deserves to be partly allowed. Hence, following order.

ORDER

- i. Writ petition is partly **allowed**.
- ii. The impugned orders dated 5.7.2023 passed by learned Additional Commissioner, Aurangabad in File No.2022/ROR/REV/CR/50 and order dated 28.6.2021 passed by the Tahsildar, Sengaon in File bearing no.Ja.Kra.2021/Jma-155/Kavi-980 are quashed and set aside.
- iii. The matter is relegated back to learned Tahsildar, Sengaon who shall re-consider the application filed by Respondent for correction of record and decide the same after giving due opportunity of hearing to petitioners or others, if any.
- iv. The aforesaid exercise be done within a period of three (3) months from today.
- v. Writ Petition stands **disposed of**.

(S. G. CHAPALGAONKAR, J.)

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