

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

TALLE
SHUBHAM
ASHOKRAO

WRIT PETITION NO. 10574 OF 2024

Dadamiya Shahabuddin Bakarkasai

... Petitioner

Versus

The State of Maharashtra Thr. Sub Divisional Officer ... Respondent
Shirol

Mr. Somnath Thengal for the Petitioner.

Mr. S. B. Kalel AGP for the Respondent-State.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : September 26, 2025.

P. C. :

- 1.** Heard learned Counsel for the Petitioner and learned AGP for the Respondent-State.
- 2.** The Petition impugns the order dated 21st February, 2024 passed by the Sub Divisional Officer, Shirol, District-Kolhapur in Inward No. 431/2023, declining the mutation of the Petitioner's name in the revenue record based on the compromise decree on the ground that the stamp duty has not been paid.

3. Learned Counsel for the Petitioner, submits that pursuant to compromise decree which was passed in RCS No. 52 of 2022 the Petitioner applied for mutating his name in the revenue records. He submits that the compromise decree is neither required to be registered nor to be stamped as held by this Court in the case of ***Chetan Dhanykumar Narwade vs. the State of Maharashtra*** in Writ Petition No. 10275 of 2024 dated 21st August, 2025.

4. Mr. Kalel, learned AGP would fairly concede that this Court has already taken the view that the compromise decree effectuating partition of an agricultural land does not require registration as well as payment of stamp duty.

5. We have considered the submissions and the decision of this Court in ***Chetan Dhanykumar Narwade vs. the State of Maharashtra*** (supra). The only reason why the Sub-Divisional Officer has refused the mutation of the Petitioner's name is that the compromise decree has not been stamped. The controversy in the present case is settled by the decision of this Court dated 9th March, 2023 in the case of ***Barshi Bar Association Vs. State of Maharashtra*** in Public Interest Litigation No. 88 of 2021 which was followed in the case of ***Chetan Dhanykumar Narwade vs. the State of Maharashtra*** (supra). The consistent view which has been taken is that the compromise decree in respect of agricultural land is not required to

be registered in view of Section 17(2) (vi) of the Registration Act, 1908 and would also not require payment of stamp duty on valuation of the property but would be governed by the proviso to Section 46 of the Maharashtra Stamp Act, 1958.

6. Considering the well settled position in law the impugned order dated 21st February, 2024 is passed in Inward No. 431/2023, is clearly unsustainable.

7. Resultantly, the Writ Petition succeeds. The impugned order is quashed and set aside. Necessary entries be mutated within a period of two weeks from the date of communication of this order.

8. Writ Petition stands disposed of.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]