

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5596 OF 2024**

Aparna Dilip SabnisPetitioner

Vs.

The Honble Minister of Revenue,
The State of Maharashtra & Ors.Respondents

Mr. Anand S. Patil with Mr. Soham Powar, for the Petitioner.

Mr. J. P. Patil, AGP, for the Respondent Nos.1 & 2-State.

Mr. Yuvraj Narvankar with Mr. Rahul Patil, for the Respondent No.3.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 26th NOVEMBER 2025

PC.:-

1. The Petitioner impugns order dated 12th April 2022 passed by Respondent No.1 in RTS/3821/1667/PK 228/J-5A, thereby upsetting the orders dated 23rd April 2018 and 4th November 2020 passed by District Superintendent Land Records, Kolhapur and Deputy Director Land Records, Pune.

2. The Respondent No.3 applied for mutating his name in record of rights in respect of C.T.S.No.346 situated at Chandgad, District Kolhapur. The said property was standing in the name of Krushnarao Shirolkar and Radhabai Shirolkar. Radhabai expired on 9th November 2011. The Respondent No.3 applied for mutation in his

name. Accordingly, Mutation Entry No.343 was effected recording his name as successor of his mother/Radhabai.

3. The other legal heirs of Radhabai objected mutation stating that it has been obtained by exercising fraud. According to them, names of all legal heirs ought to have been mutated in record of rights. The Authorities below accepted challenge and directed recording of names of all legal heirs in record of rights.

4. However, in Revision Application filed before Hon'ble Minister, Respondent No.3 took up a stand that he acquired exclusive right over property on the basis of will dated 4th October 2006 executed by Radhabai Shirolkar. The Authorities below ought to have taken cognizance of the same and maintained mutation in his exclusive name. The Hon'ble Minister accepted aforesaid stand. Eventually, directed restoration of mutation in the name of Respondent No.3 on the basis of will.

5. The learned Advocate appearing for Petitioner would submit that mutation entry was sanctioned in favour of Respondent No.3 on his application claiming himself to be the sole heir of deceased. The

mutation was not made in reference to any will. Apparently, mutation sanctioned in favour of Respondent No.3 does not refer to any will.

6. In this background, this Court holds that Respondent No.3 was not sole legal heir of deceased or entitled for mutation in his name, excluding other legal heirs. The Authorities below had rightly considered aforesaid aspect and set aside mutation entry sanctioned in name of Respondent No.3, however, the Hon'ble Minister erroneously set aside orders passed by the Appellate Authorities and directed to mutate name of Respondent No.3 on the basis of will.

7. The order of Hon'ble Minister cannot be countenanced, particularly when application for mutation submitted by Respondent No.3 specifically states in Column No.14 that no will has been executed by deceased, although there is reference of will in list of Annexures filed alongwith application. The fact remains that mutation was not sanctioned relying upon the will. In that eventuality, there was no reason for Hon'ble Minister to pass impugned order directing mutation of name of Respondent No.3 relying upon will.

8. In light of aforesaid observations, impugned order is quashed and set aside, with liberty to Respondent No.3 to seek appropriate remedy under law to precipitate his rights on the basis of will or seek mutation citing execution of will, subject to objections from other heirs.

9. The Writ Petition is allowed and disposed of in aforesaid terms.

(S. G. CHAPALGAONKAR, J.)

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