

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13353 OF 2018**

Jaysing Aba Shinde & Ors.Petitioners
Vs.
The Additional Commissioner,
Pune & Ors.Respondents

Mr. Umesh R. Mankapure (Through VC) with Mr. Nilesh Wable, for the Petitioners.

Mr. J. P. Patil, AGP, for Respondent Nos.1,4 & 11-State.

Mr. Vijay D. Patil, Senior Advocate with Mr. Kalpesh Patil, i/b. Mr. Yogesh Patil, for the Respondent Nos.6 & 8.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 10th DECEMBER 2025

P.C.:-

1. The present Writ Petition takes exception to order dated 17th October 2018 passed by Hon'ble Minister in RTS-3518/5919/SN77/J-5A.

2. The inception of dispute in this Writ Petition is in Application dated 31st May 2004 filed by Petitioner for mutating his name in record of rights by deleting name of Vishnu Gangadhar Sapre/Inamdar. By way of Mutation Entry No.12582 dated 7th July 2004, name of Petitioner was directed to be mutated observing that

in view of Maharashtra Personal Inams Abolition Act, 1953, tenants have acquired ownership of property.

3. The aforesaid Mutation Entry was challenged in appeal by Respondent before Sub Divisional Officer, Karad, however said appeal was dismissed vide order dated 24th May 2012 on ground of delay and latches. The Respondent filed appeal before Additional Collector. Even same was dismissed at stage of admission. Thereafter, Respondent approached Additional Commissioner at Pune by filing Second Appeal alongwith application for delay condonation. However, learned Additional Commissioner has confirmed order as passed by Authorities below. Lastly, Respondent approached Hon'ble Minister in Revision Application No.RTS-3518/5919/PKI.77/J-5A under Section 257 of Maharashtra Land Revenue Code, 1966. The Hon'ble Minister allowed said Revision Application by setting aside all orders passed by Authorities and directed that Mutation Entry No.12582 shall be cancelled and name of Respondent be recorded as occupant.

4. After hearing learned Advocates appearing for respective parties, apparently, dispute in this petition pertains to mutation entry.

Petitioners are asserting their independent rights over suit land, either under Maharashtra Personal Inams Abolition Act, 1953 or Bombay Tenancy and Agriculture Land Act, 1948 (For short, '**B.T. & A.L. Act**;'). however, there is no decision of Competent Authorities in favour of Petitioners declaring their rights under either of the Acts. In absence of any such adjudication by Competent Authorities, there was no reason to disturb record of rights in relation to suit property, as it was standing before certifying Mutation Entry No.12582. Admittedly, Petitioners are not declared as occupants over suit property. They have already withdrawn proceeding instituted under Section 32 of B. T. & A. L. Act. In this backdrop, Tahsildar had no jurisdiction to grant mutation in favour of Petitioners as occupants of suit land.

5. In that view of matter, Hon'ble Minister was justified in cancelling Mutation Entry No.12582. Needless to state here that observations made in impugned order shall not be an impediment to either of parties to exercise their rights under aforesaid Acts.

6. In that view of matter, Writ Petition is disposed of with following directions:

- i) The mutation record shall be restored back to position as it was standing prior to certifying Mutation Entry No.12582.
- ii) The parties shall be at liberty to set up their claims or exercise rights as available under Maharashtra Personal Inams Abolition Act, 1953 or Bombay Tenancy and Agriculture Lands Act, 1948, as case may be by filing appropriate proceedings before Competent Authorities.
- iii) In case, such proceedings are filed, the observations made in order passed by Hon'ble Minister shall not be an impediment.
- iv) The rights of parties shall be subject to outcome of further orders that would be passed by Competent Authorities.

7. Writ Petition is disposed of accordingly, with aforesaid directions.

(S. G. CHAPALGAONKAR, J.)

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signed by
RAJU
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GAIKWAD
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