

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.18486 OF 2024**

Kashiram Vasant PawarPetitioner
Vs.
The Sub Divisional Officer
(Revenue), Kudal & Ors.Respondents

Mr. Vikram N. Walawalkar (Through VC), for the Petitioner.
Mr. Sanjay D. Rayrikar, AGP, for the Respondent No.1-State.
Mr. D. R. Bile, for the Respondent Nos.2 & 3.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 24th NOVEMBER 2025

PC.:-

1. Heard learned Advocate appearing for respective parties.
2. The present Writ Petition takes exception to order dated 14th August 2024 passed by Sub Divisional Officer (Revenue), Kudal (For short, '**SDO**') in RTS Appeal No.66 of 2023.
3. It appears that Respondent Nos.2 and 3 had challenged Mutation Entry No.1712 dated 29th June 2001 in appeal under Section 247 of Maharashtra Land Revenue Code, 1966 (For short, '**MLR Code**'). The record indicates that appeal was taken before SDO for hearing on 6th August 2024 and without hearing Petitioner, same

has been allowed. Eventually, Mutation Entry No.1712 has been quashed and set aside after 23 years ignoring delay. Although, order passed by SDO is appealable under Schedule 'E' of MLR Code. Apparently, impugned order has been passed in gross violation of principles of natural justice and *de horse* procedure contemplated for entertaining appeal.

4. It is apposite to note here that even it is assumed that SDO has jurisdiction to set aside Mutation Entry in exercise of appellate jurisdiction, it could have been done only after answering issue of limitation or condoning delay caused in filing appeal. The learned SDO without considering aforesaid requirements of law allowed appeal. He committed serious error of jurisdiction while exercising appellate powers under MLR Code. In result, it would be appropriate in the interest of justice that the matter is relegated back to SDO for reconsideration in accordance with law.

5. In result, the following order:

ORDER

- i) Writ Petition is party allowed.

- ii) The impugned order is quashed and set aside.
- iii) The matter is relegated back to SDO for considering afresh on its own merits as per law.
- iv) The parties to appear before SDO, Kudal on 8th December 2025.
- v) Needless to mention here that consequential changes made in mutation record pursuance to impugned order shall be revived and record be restored back to position as on date on filing of RTS Appeal No.66 of 2013.

(S. G. CHAPALGAONKAR, J.)

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