

Nikita

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10275 OF 2024

Chetan Dhanykumar Narwade

...Petitioner

versus

The State of Maharashtra

...Respondents

....

Mr. Somnath Thengal for the Petitioner.

Ms. Neha Bhide GP a/w Ms. Tejas Kapre, AGP for the State.

....

**CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ.**

DATE : 21st AUGUST, 2025.

ORAL ORDER (Per M. S. Karnik, J.):

1. Heard, learned Counsel for the Petitioner.
2. Petitioners have made an application to the Tahsildar Shirol, for mutating their names in the 7/12 extract on the basis of the decree passed by the Civil Court Kurundwad in Regular Civil Suit No.3 of 2022. Parties entered into a compromise. Suit was for partition of agricultural lands. By the Impugned order, the Tahsildar Shirol by the Impugned order dated 31.01.2024 refused to enter the names of the Petitioners on the ground that the Petitioners have not produced No Objection Certificate issued by the Collector of Stamps.
3. Learned Government Pleader argued in support of the Impugned

order. She submitted that though there is a compromise decree in favour of the Petitioner, the Petitioner is still liable to pay the appropriate stamp duty and it is only on the issuance of the NOC to be obtained from the Collector of Stamps that further action can be taken by the Tashildar Shirol for entering the names of the Petitioners in the 7/12 extracts.

4. In our opinion, the controversy in the present case is squarely covered by the decision of this Court dated 9th March, 2023 in the case of The Barshi Bar Association Vs. State of Maharashtra and Ors. in Public Interest Litigation No.88 of 2021. This Court in paragraph No.18 has held that a compromise decree in respect of the agricultural land is not required to be compulsorily registered under the provisions of the Act of 1908. In paragraph No.19, this Court held that on reading of Section 46 of the Maharashtra Stamp Act, 1958 in its entirety, along with its proviso, an irresistible conclusion can be drawn i.e. compromise decree effectuating partition of an agricultural land, does not require compulsory registration in view of the Section 17(2)(vi) of the Act of 1908 and it would also not require payment of the stamp duty on valuation of property, but would be governed by the proviso Section 46 of the Act, 1958.

5. In this view of the matter we have no hesitation in allowing the writ petition.

6. The writ petition is allowed in terms of prayer clause (a).
7. Necessary entries be recorded within the period of two weeks from the date of communication of this order.
8. The writ petition is disposed off.

[SHARMILA U. DESHMUKH, J.]

[M.S. KARNIK, J.]