

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4990 OF 2024

Sandeep Chintaman Kamble

...Petitioner

V/s.

**Dnyaneshwar Shivaji Balwadkar
And Ors.**

...Respondents

Mr. Suryajeet Chavan *for Petitioner.*

Mr. Sandeep Shinde *i/b. Ms. Mayuri Karekar for Respondent
Nos.1 and 2.*

Mr. P. S. Dani, *Senior Counsel with Mr. Ravi V. Asabe for
Respondent No.3.*

CORAM : SANDEEP V. MARNE, J.

Dated : 3 March 2025.

P.C. :

1) The Petition challenges order dated 25 March 2021 passed by the Hon'ble Minister (Revenue) dismissing the Revision Application filed by the Petitioner and confirming the order passed by the Additional Divisional Commissioner on 20 October 2020. The Additional Divisional Commissioner had also rejected the First Revision filed by the Petitioner and had confirmed the order passed by the Additional Collector dated 27

February 2020, who in turn had rejected the Appeal filed by the Petitioner thereby confirming order passed by Sub-Divisional Officer on 28 January 2019. Petitioner has thus concurrently lost before four hierarchical Revenue Authorities.

2) I have heard Mr. Chavan, the learned counsel appearing for the Petitioner, Mr. Shinde, the learned counsel appearing for Respondent Nos. 1 and 2 and Mr. Dani, the learned senior counsel appearing for the Respondent No.3.

3) After having considered the submissions canvassed by the learned counsel appearing for the parties, it appears that the Petitioner claims that the land in question was purchased by their predecessors-in-title vide Sale Deed dated 26 April 1928, which was given effect to in revenue records vide Mutation Entry No. 247 effected on 28 May 1928. It is contended that the name of petitioner's predecessors-in-title continued in revenue records until the same was disturbed for the first time in 2001 vide Mutation Entry No. 4773 shown to have been certified on 28 February 2001. It is submitted that the said Mutation Entry No. 4773 is shown to have been effected in pursuance of order dated 31 January 2001 passed by Additional Tehsildar and Agricultural Lands Tribunal, Pune, when in fact the post of Additional Tehsildar came to be sanctioned for the first time for Haveli Taluka, vide Government Resolution dated 8 February 2013. My attention is also invited to response given by the office of Tehsildar, Haveli, Pune, to application filed under Right to

Information Act, 2005, about non-availability of copy of order dated 31 January 2001 (No.138/2001). It is further contended on behalf of the Petitioner that the so called Deed of Reconveyance shown to have been registered in the office of Sub-Registrar, Haveli is also not traceable, as per the RTI reply dated 14 November 2022 given by the office of Joint Sub-Registrar, Haveli No.2, Pune. It is therefore sought to be suggested by the Petitioner that there is no authenticity about the alleged order of the Additional Tehsildar dated 31 January 2001 or the alleged Reconveyance Deed of 1942.

4) The Authorities have however relied upon Mutation Entry No. 424 certified on 18 February 1945 under which it is shown that the land was reconveyed by predecessors-in-title of the Petitioner in favour of Shripati Mahadu Balwadkar. The said Mutation Entry No. 424 is backed by registered Reconveyance Deed No. 135/1942 dated 16 February 1942. A copy of the said Reconveyance Deed dated 16 February 1942 is placed on record by the contesting Respondents alongwith their affidavit-in-reply

5) Prima-facie therefore there is some documentary evidence to indicate that the land was reconveyed by the predecessors-in-title of the Petitioner in favour of Shripati Mahadu Balwadkar and effect to such reconveyance was given by the Mutation Entry No. 424.

6) In that view of the matter no serious error can be traced in the impugned orders passed by the Sub-Divisional Officer, Additional Collector, Divisional Commissioner and the Hon'ble Minister. If the Petitioner believes that he has title in respect of the land in question, he will have to institute Civil Suit, and in the event Petitioner succeeds in the Civil Suit, all the revenue entries would be subject to the Decree that would be passed by the Civil Court.

7) I am therefore not inclined to interfere in the impugned orders. Writ Petition is accordingly rejected.

[SANDEEP V. MARNE, J.]