

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9779 OF 2024

Shri. Uma Balaji Dalvi and Ors.

...Petitioners

Versus

State of Maharashtra And Ors.

...Respondents

Mr. Avinash B. Patil, for the Petitioners.

Ms. Savina R. Crasto, AGP for Respondent-State.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 26 MARCH 2025

P.C.:

1. This petition is filed under Article 226 of the Constitution of India praying for the only substantive relief :-

“a) This Hon’ble Court may kindly gives direction to the respondent no. 3 to decide the application of the petitioners dated 27.01.2021 filed u/s. 155 of the Maharashtra Land Revenue Code.”

2. Heard Mr. Patil, learned counsel for the petitioner and Ms. Crasto, learned AGP for the State and with their assistance, we have perused the record.

3. The case of the petitioner is that in the capacity of a tenant, she continues to be in possession of the land as described in the petition under Survey No. 51/0, 54/4 and 55/3 admeasuring 2.85 Hector, 3.54 Hector

and 65 ARE situated at village Bondshet, Taluka. Mangaon, Dist. Raigad. These lands were in the nature of Thothi Inam land. After demise of the petitioner's grandfather the petitioners continues to be in possession of the said land. The petitioner is aggrieved by the addition of names of respondent nos. 6 to 11 which were entered in the mutation/revenue entry in regard to the said lands, to the prejudice of the petitioner.

4. In the above backdrop, the petitioner filed a detailed representation dated 27 January 2021 before the respondent no. 3 which is pending for decision with the said authority, which ought to be adjudicated expeditiously.

5. Ms. Crasto would oppose the above. She would rely on an affidavit in reply by one Vikas Garudkar, Tahsildar on 31 August 2023 filed on behalf of the respondent no. 3. Ms. Crasto would urge that the petitioner ought to have followed the procedure stipulated under Section 155 of the Maharashtra Land Revenue Code, 1966 (for short '**MLRC Code**') for seeking the removal of the names of respondent nos. 6 to 11 from 7/12 extract. In this view of the matter the respondent no. 3 cannot pass any order as called upon by the petitioner.

6. In our view, it is true that the representation of the petitioner dated 27 January 2023 is pending since then with respondent no. 3 which ought to be decided in accordance with law after hearing the parties. The respondent no. 3 may pass an appropriate reasoned order after considering

all issues including the applicability of the provisions of section 115 of the MLRC Code in arriving at its decision.

7. In the aforesaid backdrop, in our view the following order would meet the ends of justice :-

ORDER

- (i) The respondent no. 3 shall hear the petitioner on its representation dated 27 January 2021 and after such hearing passed a reasoned order in accordance with law.
- (ii) Such exercise shall be undertaken as expeditiously as possible, in any event, within a period of six weeks from the date of this order is presented to the respondent no. 3.
- (iii) The order so passed by the respondent no. 3 shall be communicated by it to the petitioner.
- (iv) All contentions of the parties are expressly kept open.
- (v) The writ petition is disposed of in the above terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]