

Ashish

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

WRIT PETITION NO.55 OF 2025

Sir Mohamed Yusuf Trust And Ors ... Petitioners
V/s.
 Revenue Minister of Maharashtra
 through its Chief Secretary and ors. ... Respondent

Mr. Prasad Dhakephalkar, Senior Advocate a/w Mr. Bhavik M i/b Mr. Sonappa Nandrankar for the Petitioners.

Mr. Girish Godbole, i/b Mr. Devashish Godbole, & Ms. Anulata Saundankar for respondent no.5.

Ms. Minal Chavan i/b Mr. Jatin Laalwani , & Mr. J B Laalwani & Co for Respondent Nos.3 to 9.

Ms. Kavita N Solunke, AGP for respondent- State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 24, 2025

P.C.:

1. The writ petition arises out of a judgment and order passed by respondent No.1, allowing Revision Application filed by respondent no.5 under Section 257 of Maharashtra Land Revenue Code.

2. The respondent no.1 by the impugned order allowed Revision Application filed by respondent no.5, holding that the delay of 11 years (which according to respondent no.5 is more

than 49 years) in filing appeal against the order of mutation entry was not sufficiently explained.

3. It appears that the parties are claiming substantive ownership right over the property. It is well settled that the mutation entry does not create or extinguish right over immovable property. Therefore, mere entry of parties made in revenue record shall not affect any right of the parties.

4. If the petitioner is aggrieved by the entry of respondent no.5's name in the revenue record, appropriate remedy for petitioner is to get a declaration from Civil Court in relation to his substantive right over immovable property.

5. Hence, keeping such remedy open to be agitated before the Civil Court, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)