IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9059 OF 2024

Waman Ganpat Sathe and ors. ..Petitioners
vs.
The State of Maharashtra and ors. ..Respondents

WITH
INTERIM APPLICATION NO.1998 OF 2025
IN
WRIT PETITION NO.9059 OF 2024

Genu Shankar Sathe (Decd) through
LRs. And ors. ..Applicants

In the matter of

Waman Ganpat Sathe and ors. ..Petitioners
vs.
The State of Maharashtra and ors. ..Respondents

Adv. B. R. Mangale, for the Petitioners.

Adv. Vivek Vijay Salunke, for the Applicants/Intervenors in IA/1998/2025.

Mr. N. C. Walimbe, Addl.G.P. a/w Ms. D. S. Deshmukh, AGP, for Respondent Nos.1 to 7-State.

CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.

DATE : 18th JULY, 2025

P.C. :

1. Heard learned counsel for the parties.

2. By this Petition the Petitioners have prayed for the following substantive reliefs :-

"b. By an appropriate Writ, order or direction of this Hon'ble Court to the Respondents No.7 in mutation 7/12 revenue record by making entries in the 7/12 extract of old Survey no.189, and 190, (New Survey No.189/1/A admeasuring 4H. 45R AND 190 (New Survey No.190/1a) admeasuring 2H. 42R situated in village Mann, Tal- Mulshi, Dist- Pune of the Petitioners on the basis of judgement decree passed by the Civil court.

c. By an appropriate R.T.S. APPEAL NO.38 OF 2023 order or direction of this Hon'ble Court to the Respondents No.7 in mutation 7/12 revenue record by making entries in the 7/12 extract of old Survey no.189, and 190, (New Survey No.189/1/A admeasuring 4H. 45R AND 190 (New Survey No.190/1a) admeasuring 2H. 42R situated in village Mann, Tal-Mulshi, Dist-Pune of the Petitioners on the basis of order passed by the respondent no.4.

d. This Hon'ble Court may please to set aside the representation dated 23.02.2024 and 25.01.2024 by the Respondent No.7 to the Petitioners in 7/12 extract of Survey no.189,190, (New Survey No.189/1/A admeasuring 4H. 45R AND 190 (New Survey No. 190/1a) admeasuring 2H. 42R situated in village Mann, Tal- Mulshi, Dist- Pune.

e. By and appropriate Order and directed to the Respondents may kindly be directed to decide the representations and applications made by the Petitioners pertaining to the corrections and deletion of names in the 7/12 Extract of Property in survey No.189 (New Survey No.189/1/A admeasuring 4H. 45R AND 190 (New Survey No.190/1a) admeasuring 2H. 42R situated in village Mann, Tal- Mulshi, Dist- Pune."

3. We find that prayer clauses (d) and (e) of this Petition were the subject matter of Writ Petition No.6641 of 2024 which was heard by the learned Single Judge of this Court and decided on 8th May 2024 by the following order :-

> "1. The impugned order has been passed by the Authority under the provisions of the Maharashtra Land Revenue Code, 1966 ("Code") against the order dated 25 January 2024. The petitioner has alternative efficacious statutory remedy by way of appeal under Section 247 of the Code. Therefore, by keeping all questions raised in the present writ petition open to be agitated before the Appellate Authority.
>
> 2. The writ petition is disposed of by permitting the petition to approach before the Appellate Authority under the Act."

4. In the affidavit-in-reply filed by the Respondents on 11th December 2024, the Tahsildar, Mulshi, District Pune has in paragraph 8 stated that as per the request of the Petitioners, in view of order of Civil Court, revenue entries were corrected in the 7/12 extract and the share of the Petitioners was separated vide mutation entry No.10241. It is further stated that vide the said mutation entry the Petitioners total share shown in both survey numbers as 7 H

12 R. Accordingly the corrected record was served on the Petitioners. If at all the Petitioners are aggrieved by the mutation entries so recorded, it is open for the Petitioners to resort to appropriate remedies under the Maharashtra Land Revenue Code.

5. Mr. Salunke, learned counsel for the Intervenors submitted that the mutation entry No.10241 is effected without even giving an opportunity of hearing to the Intervenors. If at all the Intervenors are aggrieved, they may resort to appropriate proceedings. It is not possible for us to entertain the request made by Mr. Salunke to set aside the said mutation entry.

6. Keeping the liberties of the parties open to pursue their remedies before the appropriate forum under the Maharashtra Land Revenue Code, the Writ Petition is disposed of.

7. All contentions of the Parties are kept open.

8. Interim Application No.1998 of 2025 is disposed of.

(N. R. BORKAR, J.) **(M. S. KARNIK, J.)**