

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10243 OF 2024

Vinod Kishan Baney

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Abhishek Salian , Mayuresh Ingale, Venkatesh Shinde and Aditya Hegde Advocates for the Petitioner.

Mr. B.V. Samant, Addl. Government Pleader a/w Mr. N.K. Rajpurohit, Assistant Government Pleader for the Respondent/State.

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**CORAM : A.S.CHANDURKAR AND
M.M. SATHAYE, JJ.**

DATE : 4th FEBRUARY 2025

P.C. :

1. Rule. Rule made returnable forthwith. Heard learned counsel for the parties.

2. The Petitioner claims interest in Gat No.422 admeasuring 1 H 06 R Mouje Ambethan, Taluka-Khed, District-Pune by virtue of an Index-II entry registered in his name on 02.05.2011. The Petitioner made an application seeking permission to measure the land on 31.01.2024. The Respondent No.3 rejected the said application on the ground that the name of the Petitioner was not shown in 7/12 extract of the Revenue Record.

3. On 09.12.2024, after hearing the learned counsel for the parties, time was granted to the learned Assistant Government Pleader to

indicate the basis for insistence of having the name of an Applicant in 7/12 extract, for seeking measurement of his land. Though time was granted to file Affidavit-in-Reply, the same is not been filed till date.

4. It is seen from Section 136 (1) of the Maharashtra Land Revenue Code, 1966 ('Code' for short) that on the application of 'a party interested', demarcation of boundaries of the survey number of a sub-division can be undertaken. In view of the name of the Petitioner being registered as owner pursuant to the Index-II Entry, we find that he would be a person interested to maintain an application under Section 136(1) of the Code. Hence, the insistence for having his name in 7/12 extract, is not justified.

5. Accordingly, the following directions are issued:

- (i) Respondent No.3 shall process the Petitioner's application dated 31.01.2024 in accordance with Section 136(1) of the Code and the concerned Rules in that regard.
- (ii) While doing so, the said Authority shall not insist for presence of the Petitioner's name in the 7/12 extract.
- (iii) Needless to state that the entire exercise be completed in accordance with the prevailing Rules.

6. With the aforesaid directions, the Writ Petition is disposed of.

7. Rule is made absolute. No order as to costs.

(M.M. SATHAYE, J.)

(A.S.CHANDURKAR, J.)