

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12996 OF 2024

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Shri.Prakash Madhukar Deshpande

Age : 69 Years, Occupation : Business,
Residing at : 1, Manas Vihar, Plot No.40,
Sector 16, Chikhali Pradhikaran,
Raje Shivajinagar, Pune : 411 019.

...Petitioner

Versus

1. **State of Maharashtra**
(Through Hon'ble Pune District Collector,
Collector Office, Pune : 411 001).
2. **Shri.Sanjay Balu Bhor – Talathi,**
Wadgaon Bk, Talathi Office, Vithal Mandir
Premises, Vithalwadi, Pune : 411 051.
(Deleted as per Court's order dated
18.09.2024)
3. **Smt.Archana Niranjana Dhembre**
Circle Officer, Wadgaon Bk, Talathi Office,
Vithal Mandir Premises, Vithalwadi,
Pune : 411 051.
(Deleted as per Court's order dated
18.09.2024)
4. **Shri.Kiran Survase**
Tahasildar (Haveli), Shukrawar Peth,
Tahasildar Office, Pune : 411 002.
(Deleted as per Court's order dated
18.09.2024)
5. **Shri.Sanjay Aswale**
Sub Divisional Officer (Haveli),
7, Nilgiri Bungalow, Ranicha Baug,
Behind Alpa Bachat Bhavan,
Pune : 411 001.
(Deleted as per Court's order dated
18.09.2024)

...Respondents

This Judgment is corrected as per order dated 22nd December 2025

Mr.Prakash Madhukar Deshpande – Petitioner in person.
Ms.Kavita N. Solunke, Addl.G.P a/w Mr.A.A.Alaspurkar, AGP, for
Respondent Nos.1 to 5 – State.

**CORAM: SUMAN SHYAM &
S. M. MODAK, JJ.**

RESERVED ON: 3rd NOVEMBER 2025.

PRONOUNCED ON: 10th DECEMBER 2025.

JUDGMENT : (PER : S. M. MODAK, J.)

1. Heard the Petitioner-in-person and learned Addl.G.P for Respondent Nos.1 to 5. There are several mutation entries in respect of which, the Petitioner is seeking issuance of *Writ of Mandamus* to remove them from revenue record. There is further direction sought to insert a remark in 7X12 extract about “*possession of Prakash Madhukar Deshpande (present Petitioner) is protected by Hon’ble Civil Judge, Senior Division, Pune vide order dated 15th November 2022 passed in Regular Civil Suit No.1727 of 1996*”.

2. There is preliminary objection about maintainability of Petition on behalf of learned Addl.G.P. Her submission is that the mutation entries cannot be quashed and set aside in writ jurisdiction because there is alternate efficacious remedy available to the Petitioner as per the provisions of Maharashtra Land Revenue Code, 1966 (In short, the “**MLR Code, 1966**”). There was also This Judgment is corrected as per order dated 22nd December 2025

submission that one of the mutation entry No.3959 is already set aside by learned Revenue Minister as per the order dated 8th March 2018 passed in revisional jurisdiction.

3. Our attention is also invited to a suit bearing Regular Civil Suit No.1727 of 1996 filed by the Petitioner before the Civil Court, Pune wherein the Petitioner-Plaintiff has sought declaration of certain sale-deeds as illegal, null and void. These sale-deeds were executed in between Defendant Nos.1 to 5 and 11 to 16 as the vendors and the Defendant Nos.18,19 and deceased husband of Defendant No.17 as a purchasers.

4. For appreciating the controversy, we have gone through the record. It seems that the suit land was allotted to **Madhukar Mahadev Deshpande¹** being the father of the Petitioner as a project affected person. After his death, the suit land was mutated in the name of the present Petitioner. It seems that Petitioner was aggrieved by inserting the names of the other heirs of Mahadev on 7X12 extract. That is why he had initiated the revenue proceedings and some of the mutation entries relate to the said insertion of names. Apart from that, there are other mutation entries for which *Writ of Mandamus* is sought.

5. The Petitioner-in-person tried to convince us for entertaining this Writ Petition. However, we are not inclined to entertain the

1 Modified portion

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Petition for two reasons. If any person is aggrieved due to any mutation entries, there is a provision of Appeal as per the provisions of Section 247 of MLR Code, 1966. We also find that certain mutation entries are made on the basis of the sale-deeds which are the subject matter of pending suit. The Civil Court is seized of the dispute about the validity of those sale-deeds. If the Petitioner succeeds in the said suit, the same would automatically nullify those mutation entries. So, when the Civil Court is seized of the matter, it would not be justifiable for this Court to exercise writ jurisdiction in the matter.

6. For the above reasons, we are not inclined to entertain the Petition. Hence, it is dismissed.

7. It is, however, made clear that we have not made any observations about the merits of the matter and the concerned Authorities are at liberty to take appropriate decision as per the merits of the case.

(S. M. MODAK, J.)

(SUMAN SHYAM, J.)