IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1032 OF 2025

Chandrakant Keshavlal Shah (Since Deceased)
Through Legal Heirs : Virendra C. Shah and Ors. .. Petitioners
Vs.
The State of Maharashtra,
Through Revenue and Forest Department and Ors. .. Respondents

Mr. Vineet Naik, Senior Advocate, with Mr. Aditya P. Shirke, Advocate for the Petitioners.

Mr. A.I. Patel, Additional Government Pleader with Mr. P.G. Sawant, Assistant Government Pleader for the Respondent-State of Maharashtra.

CORAM : A.S. CHANDURKAR & M.M. SATHAYE, JJ

DATE : 29TH JANUARY 2025.

P.C. :

1. In proceedings initiated by the petitioners, an enquiry under Section 20(2) of the Maharashtra Land Revenue Code, 1966 with regard to the lands bearing Survey Nos.753-A and 760 from Old Village Bhayander, Taluka Thane was held. The Collector on 15th March 1995 passed an order recognizing the claim made by the petitioners and disallowed the counter-claim filed by the State Authorities. This order was subjected to challenge and ultimately by an order dated 6th May 1998, the Hon'ble Minister for Revenue dismissed the Revision Application preferred by the Deputy Commissioner, Salt Division. Special Civil Suit No.220 of 1999 was thereafter filed by the Union of India seeking to challenge the aforesaid proceedings as being null and void. The Civil Court dismissed the said suit

on 26th February 2024. Consequently, Mutation Entry No.8620 came to be effected as a result of which the names of the petitioners were included in the Revenue Records. However, on the strength of a communication dated 30th August 2024 issued by the Additional Tahsildar, the Talathi was directed to restore the Revenue Records to its earlier position. Without notice to the petitioners, Mutation Entry No.8620 has been cancelled and Mutation Entry No.8632 has been taken as a result of which the names of the petitioners have been shown as bracketed in the Revenue Records. It is submitted that this exercise is without notice to the petitioners and in breach of principles of natural justice.

2. Issue notice to the respondents, returnable on 20th February 2025. The learned Additional Government Pleader waives notice for the respondents.

3. In the meanwhile, no further steps be taken pursuant to the impugned mutation entry.

4. Leave granted to place on record relevant Revenue records forming subject matter of the present proceedings.

[M.M. SATHAYE, J.] **[A.S. CHANDURKAR, J.]**