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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1336 OF 2025

Bhanudas Mahadu Padale ... Petitioner
V/s.
Vijay Tukaram Raundal & Ors. ... Respondents

Mr. Drupad S. Patil with Mr. Namitkumar S. Pansare for the petitioner.

Mr. Anil V. Anturkar, Senior Advocate with Ms. Krushi N. Barfiwala and Mr. Shlok Bodas i/by Parinam Law Associates for respondent No.1.

Ms. Kavita N. Solunke, AGP for respondent Nos.4 to 9-State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 3, 2025

<u>P.C.</u>:

1. The challenge in the present writ petition arises out of an application dated 18 May 2015 preferred by respondent No.1, whereby a request was made for entering his name in the revenue record on the basis of a sale deed dated 24 May 2005. However, a careful perusal of the record reveals that mutation entry No.3565, corresponding to the said sale transaction, was declined certification by the Circle Officer by passing a specific order dated 14 September 2005. Notably, the said order rejecting certification of mutation entry No.3565 attained finality as respondent No.1 did not assail the same by availing the statutory appellate remedy provided under the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as “the Code”). Instead, respondent No.1

chose to file an independent application on 18 May 2015 seeking the same relief, without addressing the binding effect of the earlier rejection order.

2. It is imperative to appreciate the statutory scheme under the Code. Section 149 of the Code contemplates the making of entries in the record of rights based on lawful acquisition of rights, which includes rights acquired by way of sale, gift, inheritance, or otherwise. On the other hand, Section 155 is confined in its scope to correction of clerical or arithmetical errors or, in certain cases, rectification of entries where both parties agree to a mistake committed by the revenue authorities. The legislative intent underlying Section 155 is not to provide an alternate or indirect route for review or reversal of a quasi-judicial order passed under the Code, but only to address inadvertent or mutually agreed errors of record.

3. In the backdrop of these provisions, the conduct of respondent No.1 assumes significance. Once the Circle Officer had, by a reasoned order dated 14 September 2005, declined to certify mutation entry No.3565, the only lawful course open to respondent No.1 was to challenge the said order by way of an appeal under Section 247 of the Code. This procedure is not merely procedural but jurisdictional in nature, once an order attains finality, the same cannot be bypassed or re-agitated by filing a fresh application. A quasi-judicial order must be challenged in accordance with the statutory remedies, and any attempt to circumvent the statutory process renders the subsequent proceedings without jurisdiction.

4. Despite this settled position, respondent No.1's independent application was entertained afresh, resulting in the grant of relief by the Appellate Authority, which has been mechanically confirmed by the Revisional Authority. Such an approach is legally untenable and strikes at the root of the jurisdictional discipline expected of revenue authorities acting under the Code. The authorities failed to consider that the foundational basis of the claim stood already rejected and had attained finality in absence of any appeal or review under the scheme of the Code.

5. In my considered view, therefore, the impugned order passed by the Appellate Authority and affirmed by the Revisional Authority suffers from a patent error of jurisdiction, being contrary to the provisions of the Code and in ignorance of the binding effect of the order dated 14 September 2005 passed by the Circle Officer. The same cannot be sustained in law and is liable to be quashed and set aside. However, it is clarified that the present adjudication shall not come in the way of respondent No.1, if he is so advised, to challenge the order dated 14 September 2005 by resorting to appropriate proceedings available under the Code, subject to the law of limitation.

6. With this clarification, rule is made absolute in terms of prayer clause (a). No costs.

7. It is made clear that contentions of both sides are kept open to be agitated before appropriate forum as are permissible in law.

(AMIT BORKAR, J.)