Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6084 OF 2025

Krishna Rajendra Gade ... Petitioner

V/s.

Ganesh Builders & Developers
Through Manikarao N Sonawane & Ors. ... Respondents

Mr. Mohd. Ateeque, for petitioner.

Mr. S. D. Rayrikar, AGP for State – respondent.

CORAM : AMIT BORKAR, J.

DATED : MAY 6, 2025

P.C.:

1. The challenge raised in the present writ petition arises from the proceedings initiated under Section 149 of the Maharashtra Land Revenue Code, 1966, which deals with the incorporation of mutation entries in the revenue records. The petitioner contends that certain mutation entries were made based on a sale deed executed in favour of the original applicant. However, the petitioner has raised a serious objection to the said transaction by stating that on the date of execution of the sale deed, the person holding the Power of Attorney had already expired. He further submits that the Power of Attorney, even otherwise, did not authorize execution of any sale deed, and therefore, according to him, the entire sale deed is legally void.

2. In my considered view, these contentions go to the validity and legality of the title and transfer of property, which involve complex questions of fact and law, and cannot be adjudicated upon by the revenue authorities acting under the Maharashtra Land Revenue Code, 1966. The jurisdiction of revenue authorities under Section 149 is limited to effecting entries in the record of rights based on existing and prima facie valid documents, and they are not empowered to decide upon the genuineness or legal validity of such documents. The scope of their enquiry is summary in nature and does not extend to deciding title disputes.

3. It is also brought on record that the petitioner has already initiated Special Civil Suit No.316 of 2021, wherein he has specifically challenged the development agreement, Power of Attorney, and the sale deed bearing Registration No.7529 of 2011. This clearly indicates that the petitioner has chosen the appropriate legal forum—the Civil Court—for determination of the legality and enforceability of the documents in question.

4. Once the Civil Court is already seized of the matter, it is not appropriate for the revenue authorities or even this Court in its writ jurisdiction to adjudicate upon issues that involve disputed questions of title, fraud, or invalidity of registered instruments. These are matters which require detailed evidence, examination of witnesses, and legal interpretation of contractual and property rights, which are within the exclusive domain of the Civil Court.

5. Therefore, in my opinion, all the contentions raised by the petitioner in the present writ petition can be effectively raised, and shall be appropriately decided, in the pending Special Civil Suit No.316 of 2021. The mutation entries, which are the subject matter of this petition, shall remain subject to the outcome of the said civil suit, and the revenue record shall be corrected accordingly depending upon the judgment rendered in the civil suit.

6. The writ petition stands disposed of in above terms. There shall be no order as to costs.

7. Pending interlocutory application(s), if any, stands disposed of.

(AMIT BORKAR, J.)