

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8572 OF 2025

Ganpat Shripati Chondhe Decd Through LHRs ..Petitioners

1a) Laxmibai Ganpat Chondhe and Ors

Versus

Vasant Genba Chondhe & Ors

...Respondents

Mr. Balwant Salunkhe, for the Petitioner.

Mr. A.I. Patel, Addl GP with M.S. Srivastava, AGP, for Respondent Nos.
5 to 9-State.

CORAM: N. J. JAMADAR, J.

DATED : 31st JULY 2025

P.C.:

1. This Petition under Article 227 of the Constitution of the India assails legality, propriety and correctness of an order passed by the Minister (Revenue) in RTS Revision Application No. आरटीएस 3423 / 1722 / प्र.क. 326 / ज-5, whereby the Revision Application preferred by the Petitioners against an order passed by the Additional Divisional Commissioner, Pune, on 8th June 2023, came to be dismissed by affirming the said order.

2. Mutation Entry No. 8982 in respect of the land bearing Survey No. 290/1 and Survey No. 293/2, Mouje Bhugaon, Taluka Mulshi, District Pune, was certified by the Circle Officer, thereby mutating names of the predecessor-in-title of the Petitioners-the successors-in-

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interest of Shripati. The private Respondents-legal heirs of Genu Ganpati Chondhe, the brother of Shripati, filed an Application raising an objection to the certification of the said entry. By an order dated 20th September 2021, the Circle Officer rejected the said objection.

3. The private Respondents preferred an Appeal before the Sub Divisional Officer, being RTS/Appeal No. 846 of 2021. The SDO found that Ganpati Padhaji Chondhe was the original holder of the subject land. He passed away on 29th July 1930. The names of Shripati Chondhe (the predecessor-in-title of Petitioners), Shankar, Savala and Genu (the predecessor-in-title of private Respondents) were mutated to the Record of Rights of the subject land vide Mutation Entry No. 321 on 31st July 1930, as the sons of the original holder Ganpati. However, in the year 1967, after the demise of Shripati, whose name was mutated to the Record of Rights of the subject land as the manager of the joint family, the names of widow, sons and daughters of Shripati only were mutated to the Record of Rights of the subject land. The other sons of Ganpati had an interest in the subject land and, yet, their names were deleted. Thus the Appeal came to be allowed.

4. The Second Appeal preferred thereagainst by the Petitioners as well as the two Revisions, thereafter, have been dismissed by the Authorities under the Maharashtra Land Revenue Code 1966.

5. Mr. Salunkhe, the learned Counsel for the Petitioners, submitted that the successor-in-interest of the other brothers of Shripati have instituted the Suit for partition and separate possession. The rights of the parties would be adjudicated by the Civil Court. Therefore, the Authorities could not have set aside the Mutation Entry No. 8982 certified on 3rd March 2021.

6. The submission does not carry any substance. The material on record indicates that after the demise of the original holder Ganpati, in the year 1930 itself, the name of Shripati and his brothers, Shankar, Savala and Genu were mutated to the Record of Rights of the subject land. Thus, the subsequent Mutation Entry No. 1710 mutating the name of only the successors-in-interest of Shripati to the Record of Rights could not have been certified. The Authorities have taken a correct view of the matter.

7. At any rate the aspect of title to the subject land would be adjudicated by the Civil Court.

8. Therefore, no interference is warranted with the impugned order in exercise of limited supervisory jurisdiction.

9. The Petition stands dismissed.

[N. J. JAMADAR, J.]