

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12272 OF 2025

Rohini Nagesh Birajdar and Ors.

.. Petitioners

Versus

State of Maharashtra And Ors.

Respondents

.....

- Mr. Kishor Patil, Advocate i/by Mr. Sidheshwar N. Biradar for Petitioners.
- Ms. M. S. Srivastava, AGP for Respondent – State.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 13, 2025

P.C.:

- 1.** Heard learned Advocates appearing for respective parties.
- 2.** The impugned order is passed by the Circle Officer. It is appended at page No.39. According to the Petitioners they are purchasers of the subject land bearing Survey No.89, Khata No.10370 (and bearing area admeasuring 13.13 R). Pursuant to purchase and registration of sale deed, Petitioners approached the Talati seeking mutation of their names. Mutation entry was recorded and pursuant thereto it was sent to the Circle Officer for certification. Once the mutation entry was recorded after following the due process of law, the same requires to be maintained unless there is any *malafide* involved. However in the present case, the Circle Officer has rejected recording of the mutation entry and passed an order stating that the subject land belonging to the Petitioners is covered by certain MPID

proceedings and is gazetted. Some details of the MPID proceedings are mentioned in the order.

3. Mr. Patil learned Advocate appearing for the Petitioners would submit that in the first instance, the land purchased by the Petitioners is a completely different land and has no nexus whatsoever to the alleged land which is notified under the MPID Act as stated by the Circle Officer. He would submit that the Khata number of the land which has been purchased by the Petitioners is completely different and other than the Khata number which finds mention in the order passed by the Circle Officer.

4. Next he would submit that even assuming for the sake of that such land was covered or gazetted still then in so far as the mutation is concerned, it is carried out either by virtue of operation of law or by virtue a registered sale deed and therefore mutation entry will have to be made essentially for fiscal purposes. Be that as it may he would submit that in so far as Petitioners' purchased lands are concerned they are totally unconnected with the alleged MPID covered lands as stated in the order passed by the Circle Officer. *Prima facie* he is able to show the same to the Court which can be seen from the land purchased by Petitioners and land mentioned in the order of the Circle Officer.

5. In reply the learned AGP would submit that the order of the

Circle Officer can undoubtedly be challenged before the appropriate *quasi judicial* Appellate Authority available to the Petitioners under the provisions of Section 257 read with Schedule-E of the Maharashtra Land Revenue Code, 1966 and the aforementioned ground can be pointed out. She would submit that invocation of writ jurisdiction of this Court is not at all required and if the Petitioners are right then the Superior Officer can look into their grievance and he can set it right.

6. The idea of litigation, Court proceedings and substantive rights of parties require the Court to step in such gross cases. By remanding the matter back either to the Circle Officer or the Appellate Authority, no purpose whatsoever will be served. Rather it will prolong and foment further litigation and keep it pending for years to come. In such open and shut cases where Petitioners are able to demonstrate the fact that their Khata number is completely different than the Khata number belonging to the concerned accused in the MPID proceeding, no purpose will be served by remanding the matter back. It is seen that the survey number is omnibus having pockets of land bearing different Khata numbers. In the present case Mr. Patil is able to show that the Khata number of the Petitioners' land is 10370 (13.13 R) whereas the Khata number of the accused in the Circle Officer's order is 10485. Petitioners neither have any nexus with the MPID Accused. If such is the case there was no reason for the Circle Officer to have passed such an order.

7. In that view of the matter the impugned order dated 25.06.2025 rejecting certification of mutation entry No.6776 and the 7/12 extract in the case of Petitioners for land bearing Khata Number 10370 stands quashed and set aside. The mutation entry No.6867 is restored backed to the record and file of the Revenue Department along with the 7/12 extract. Needless to state that all rights of the Respondents are kept expressly open if at all the Respondents desire to proceed but that shall be strictly in accordance with law.

8. With the above directions, Writ Petition is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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