

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14020 OF 2025

Bharti Dattatray Jagtap

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

.....

- Mr. Ganesh Bhujbal, Advocate for Petitioner
- Mr. D.S. Deshmukh, AGP for Respondent Nos. 1 and 2

.....

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 11, 2025

P. C.:

1. Heard Mr. Bhujbal, learned Advocate for Petitioner and Mr. Deshmukh, learned AGP for Respondent Nos. 1 and 2.

2. Challenge in the present Petition is to the order dated 16.04.2025 whereby the Sub-Divisional Officer, Sub-Division Purandar, Purandar in Statutory Appeal has allowed the Appeal filed by private Respondent Nos. 4 to 6, *inter alia*, rectifying Mutation Entry No. 15910 dated 05.04.1991.

3. Mr. Bhujbal would argue that by virtue of the said Mutation Entry dated 05.04.1991, the name of Petitioner came to be mutated in the "Other Rights Column" of the subject property in the revenue record which is described in paragraph No. 2 of the Petition. He would submit that the name of Petitioner continued in the "Other Rights Column" thereafter until 2020 when private Respondents filed

an Application under Section 155 of the Maharashtra Land Revenue Code, 1966 (for short "**MLRC**") in the year 2020 seeking deletion of name of Petitioner and inclusion of names of private Respondents in "Other Rights Column". The cause of action on the basis of which the Application was made by private Respondents is emanating from the Petition itself. Petitioner has averred that private Respondents perfected their title in view of 32(G) Sale Deed and 32(M) Certificate in respect of the subject property as stated in paragraph No. 3 of Petition pursuant to which they filed Application seeking mutation. Whenever the Application seeking mutation is filed *prima facie* it is the duty of the Statutory Officer to ensure that said Application is considered strictly under the provisions of MLRC and more specifically and on the ground of limitation. If there is a delay in filing the Application, it is trite law that the Statutory Officer is required to first condone the delay pursuant to which he derives jurisdiction to deal with the Application filed by aggrieved party.

4. In the present case, it is seen that private Respondent Nos. 5 and 6 filed Application under Section 155 of the MLRC seeking mutation of entry which was entered into record on 05.04.1991 after a humongous delay of 19 years. The Application was filed in the year 2020. Hence, it was incumbent upon the SDO to ensure that said delay of 19 years was first condoned before embarking upon allowing the Application.

5. Mr. Bhujbal has drawn my attention to the impugned order (appended at Exh. 'E', page Nos. 42-47 of Petition). *Prima facie* when the said order is read, two specific things can be gathered therefrom. Firstly there are substantive and several disputes questions of facts *qua* the incumbent tenants / occupants of the said land. Admittedly said lands are Vatan lands and in the "Rights of Holders" column in the revenue record, name of Government is inserted. Hence the lands are government holdings. Dispute in the present case is between the occupants Petitioner and the private Respondents, *inter alia*, pertaining to their substantive right as occupants in the subject land as appearing in "Other Rights Column". There is reference not only to Mutation Entry No. 15910 of 1991 but pursuant thereto, sale deeds in respect of various parties in respect of transfer of a portion of the said land stated in paragraph No. 3 of the Petition. In that view of the matter, when the impugned order is perused it is seen that substantial reasons have been given by the Statutory Authority in Appeal while condoning the delay. That apart it is also seen that both the parties have raised a challenged to their respective sale deeds. It is also trite law that mutation entries do not determine rights, title and entitlement of the parties to agricultural properties / lands. They are essentially required to be meant for fiscal purpose and in law have

corroborative value of secondary and tertiary nature and cannot be considered as a primary document of establishing title.

6. Mr. Bhujbal is aggrieved with the fact that substantial Appeal which has been filed has been kept for arguments before the Appellate Authority after condoning the above delay. The order condoning the delay records appropriate reasons which *prima facie* do not call for interference and more so when the said reasons pertain to disputed questions of facts. On the whole the impugned order is a balanced order which condones the delay of 19 years on giving reasons on the basis of the intervening facts and these reasons are *prima facie* believable. Needless to state that all rights of Petitioner *qua* her entitlement are expressly kept open to be agitated in the Appeal before the Competent Authority. Equally rights of private Respondents are also kept alive to be argued strictly in accordance with law. This Court has not expressed any opinion on the rights of the respective parties. Impugned order is upheld. Let the Appeal before the Appellate Authority be decided on its own merits after hearing both the sides and strictly in accordance with law within six months from today. Server copy of this order shall be placed before Appellate Authority on 14.11.2025 at 12.00 noon for taking cognizance.

7. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]