



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6159/2022

PETITIONERS :

1. Vinod s/o Ganpat Kalwaghe,
aged about 42 years, Occupation :
Agriculturist.
2. Hari s/o Ganpat Kalwaghe, aged about
38 years, Occupation : Agriculturist.

Petitioners are R/o at Nandrakoli, Tah. and
Dist. Buldhana.

...Versus...

RESPONDENTS :

1. The Additional Commissioner,
Amravati Division, Amravati, Tah. And
Dist. Amravati.
2. The Additional Collector, Buldhana,
Tah. and Dist. Buldhana.
3. The Sub-Divisional Officer,
Buldhana.
4. Talathi, Village Nandrakoli, Tah.
And Dist. Buldhana.
5. The Circle Officer, Village Nandrakoli,
Tah. and Dist. Buldhana.
6. Buddha Smashanbhumi, Nandrakoli,
Through

(6a) Siddharth Namdeo Hiwale,
Aged Major.

(6b) Sonaji Zadu Hiwale, Aged Major.

(6c) Kaduba Yamaji Jadhav, Aged Major.

(6d) Santosh Shivaji Jadhav, Aged Major.

(6a) to (6d) All Occupation : Agriculturist,
R/o Nandrakoli, Tah. and Dist. Buldhana.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. N.B. Kalwaghe, Advocate for petitioners
Mrs. Mrunal Naik, AGP for respondent Nos.1 to 3
Mr. R.V. Gahilot, Advocate for respondent Nos.6 (a) to 6 (d)

CORAM : ROHIT W. JOSHI, J.

DATE : 24/09/2025

1. The present petition is filed challenging the order dated 24/05/2023 passed by Sub Divisional Officer Buldhana in Revenue Case No.RTS-59/Nandrakoli/10/2012-13; order dated 21/12/2013 passed by the Additional Collector, Buldhana in Revenue Case No.RTS-59/Nandrakoli/26/2013 and order dated 13/12/2021 passed by the Additional Commissioner, Amravati in Revision Application No.110/RTS-59/Nandrakoli/2013-14.

2. The case of the petitioners is that the said land bearing Gat No.632 admeasuring 0.64 HR situated at village Nandrakoli Tah. and District Buldhana was purchased by the father of the petitioners vide sale-deed dated 11/01/1995 and accordingly mutation in the name of the father of petitioners was recorded on 24/02/1996.

3. The contention of the petitioners is that there is entry in the possession column in the 7/12 extract relating to 0.20 HR land in the name of respondent No.6. Referring to the contents of the order, learned Advocate contends that it is clear that there is no order or any mutation entry for recording

the name of respondent No.6 in the revenue record and yet erroneously the said entry is recorded. The learned Advocate, therefore, contends that the impugned orders are liable to be quashed and set aside.

4. As against this, learned Advocate for respondent No.6 raises a preliminary objection pertaining to alternate remedy of filing appeal under Section 257 of the Maharashtra Land Revenue Code, 1966. He further raises an objection that it is for the first time in the present petition that respondent No.6 is added as party respondent. Learned Advocate contends that the petitioners did not join respondent No.6 as party respondent before all the three authorities. He, therefore, contends that the petition is liable to be dismissed on this ground as well. Learned Advocate further draws attention to the judgment and decree dated 19/12/2019 passed by the learned Civil Judge, Senior Division, Buldhana in Regular Civil Suit No.12/2014, which is a suit filed by the present petitioners along with their mother and sister. Perusal of the judgment and decree will demonstrate that the decree for perpetual injunction is passed in favour of the plaintiffs including the present petitioners, except 0.20 HR land which is the subject matter of the present petition.

5. In view of the adverse decree that is passed by the learned Civil Court, the petition must fail, inasmuch as it is well settled that the authorities under the Maharashtra Land Revenue Code have to record mutation entries in consonance with the adjudication of the Civil Court.

6. However, learned Advocate for the petitioners draws attention to the findings in the judgment by the learned

trial Court to contend that the learned trial Court has erroneously placed reliance upon the impugned order to hold that respondent No.6 is in possession of 0.20 HR land which forms the subject matter of the present petition. He contends that the Civil Court has not independently applied its mind to the evidence on record and therefore, it is necessary to set aside the impugned orders.

7. The argument of learned Advocate for the petitioners may be relevant and may also merit consideration, however, the said argument can be made only before the learned Appellate Court where the judgment and decree dated 19/12/2019 is impugned. Since the present petition arises out of mutation proceedings, this argument cannot be entertained in the present petition.

8. Without expressing any opinion with respect to merits and rival claims, the writ petition is dismissed on the ground of alternate remedy of filing second revision, on the ground that respondent No.6 was not arrayed as respondent in the proceedings before the learned authorities and also in view of the decree passed against the petitioners in Regular Civil Suit No.12/2014.

9. It is clarified that the revision, if preferred, against the said decree be decided on its own merits without being influenced by the present order dismissing the writ petition. No order as to costs.

(ROHIT W. JOSHI, J.)