IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.948 OF 2023

TULSHIDAS @ SUNIL VISANT KHADKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Mr. Prasanna N. Kutti, Advocate for the Petitioner
Mr. S. J. Salgare, A.P.P. for the Respondents-State
....

CORAM : SANDIPKUMAR C. MORE &
VAISHALI PATIL-JADHAV, JJ.

Date : 01/10/2026

ORDER :

1. Heard rival submissions.

2. By way of this petition, the petitioner is seeking a direction to respondent No.2, i.e. the District Collector, Jalgaon, to take criminal action against the persons who are prima facie involved in the commission of offences punishable under Sections 420, 468 and 471 read with Section 34 of the Indian Penal Code, as per the enquiry report dated 29/10/2022. The petitioner has also prayed for departmental action against the concerned Government officers who are responsible for certifying the mutation entries pertaining to

Survey Nos.158/12, 158/12/B and 158/12/C, bearing Mutation Entry Nos.26472, 26473 and 25032, respectively, of village Jalgaon.

3. The record indicates that the petitioner is aggrieved by the fact that the purchasers of the aforesaid lands were not agriculturists and therefore, the aforesaid mutation entries were certified without verifying the said fact. Admittedly, the Tahsildar, Amalner, had sought guidance from respondent No.2 in respect of the grievance raised by the petitioner. Accordingly, the concerned Circle Officer, Patonda, vide report dated 02/09/2022 submitted to the Tahsildar, Amalner, opined that the concerned purchasers of the aforesaid lands were not agriculturists. It was further observed that without verifying the said fact, the then Circle Officer had entered the names of the purchasers in the record of rights of the said lands, contrary to law. However, thereafter, respondent No.2, vide communication dated 10/05/2023, directed the Sub-Divisional Officer, Jalgaon, to conduct an enquiry in respect of the aforesaid mutation entries pertaining to the disputed lands, particularly as to whether the said lands had been purchased by the concerned purchasers despite they are not being agriculturists.

4. Pursuant to the said communication, the Sub-Divisional Officer, Jalgaon, conducted an enquiry in RTS Appeal No.99 of 2023 in respect of the aforesaid mutation entries, wherein notices were issued to the petitioner as well as the purchasers of the aforesaid lands. One Shobha Narendra Kabra was also joined in the said appeal as a third party.

5. The learned APP has placed on record, along with the affidavit-in-reply, a copy of the judgment dated 23/01/2024 passed in the said RTS appeal. On going through the entire judgment, it appears that the learned Sub-Divisional Officer, Jalgaon, considered the contentions raised by the purchasers as well as the documents produced by them on record. It is significant to note that the present petitioner did not argue the matter despite being given an opportunity to do so.

6. The said judgment clearly indicates that the purchasers were having agricultural lands in their names prior to purchasing the lands in dispute and ultimately, the aforesaid mutation entries were confirmed by the Sub-Divisional Officer, Jalgaon. Under such circumstances, it appears that all the contentions raised by the petitioner in the present petition were considered and rejected in the

said judgment. Moreover, it has been specifically held in the said judgment that the petitioner could not produce any documentary evidence to establish as to how he was concerned with the disputed lands. On the contrary, it was found that the said lands were owned by Purushottam Baksu Khadke, Nilkant Baksu Khadke and Natthu Baksu Khadke, who had sold the said lands to the respective purchasers. As such, considering all these materials, no substance is found in the petition filed by the petitioner. Accordingly, the petition stands dismissed.

[VAISHALI PATIL-JADHAV]
JUDGE

[SANDIPKUMAR C. MORE]
JUDGE