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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3939 OF 2024

1. Sitaram Sakharam Deokar PETITIONERS
Age – 87 years, Occ – Agriculture
2. Dattatraya Sakharam Deokar
Age – 70 years, Occ – Agriculture
3. Rajaram Sakharam Deokar
Age – 61 years, Occ – Agriculture
4. Arunkumar Sakharam Deokar
Age – 65 years, Occ – Agriculture
5. Antika Gorakhnath Jagtap
Age – 68 years, Occ – Agriculture

All above R/o Shirapur
Taluka – Ashti, District – Beed
6. Shantabai Dinkarrao Thorve
Age – 64 years, Occ – Agriculture
R/o Kuntefal, Taluka – Ashti
District - Beed

VERSUS

1. The State of Maharashtra RESPONDENTS
Through the Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32
2. Divisional Commissioner, Aurangabad
Taluka and District – Aurangabad
3. The Collector,
Beed, District – Beed

4. The Deputy Director of Land Record
Ashti, Taluka – Ashti
District – Beed
5. The Superintendent of Land Record
Beed
6. The Sub Divisional Officer
Patoda, Taluka – Patoda, District – Beed
7. Tahsildar, Ashti
Taluka – Ashti, District – Beed
8. Mandal Adhikari, Dhanora
Taluka – Ashti, District – Beed
9. Talathi Saja Kannadi (Khurd)
Taluka – Ashti, District – Beed
10. Deputy Director of Land Record
Chha Sambhaji Nagar,
Taluka - Chha Sambhajinagra
District – Chha Sambhajinagar

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Mr. N. L. Jadhav, Advocate for the Petitioners
Ms. Neha B. Kamble, AGP for Respondent - State
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WITH
CIVIL APPLICATION NO. 4723 OF 2025
IN
WRIT PETITION NO. 3939 OF 2024

Muktabai Apparao Deokar and Others

APPLICANTS

VERSUS

Sitaram Sakharam Deokar and Others

RESPONDENTS

.....
Mr. Ashok S. Pavse, Advocate for Applicants
Mr. N. L. Jadhav, Advocate for original Petitioners
Ms. Neha B. Kamble, AGP for Respondents – State
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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, J.J.**

DATE : 3rd FEBRUARY, 2026

ORDER (PER SMT. VIBHA KANKANWADI, J.):

1. Present Petition has been filed for the following reliefs :

“B. The order of cancellation of mutation entry No. 2026 dated 30.01.2024 may kindly be quashed and set aside by issuing appropriate writ, order of directions

C. The mutation entry No. 2537 and 2538 may also be quashed and set aside and mutation entry No. 2026 dated 30.01.2024 may be restored by implementing the order dated 05.09.2023 passed by the Deputy Superintendent of Land Records, Beed

D. The respondents be directed to restore Hissa No.12 and map of survey No. 98 which was prepared by the Deputy Superintendent of Land Records Ashti vide letter dated 14.08.2019.

E. The respondent No.1 to 3 may kindly be directed to initiate departmental inquiry of respondent no. 4, 6, 7, 8, 9 for non compliance of the Judgment and order passed by Superintendent of Land Records, Beed dated 04.03.2021

and acting contrary to the affidavit filed in this Court.”

2. Civil Application No. 4723 of 2025 has been filed for addition of parties, which is in fact in the form of Petition for intervention.

3. Heard Mr. N. L. Jadhav, learned Advocate for the Petitioners, Ms. Neha Kamble, learned AGP for Respondents – State and Mr. Pavse, learned Advocate for the intervenors.

4. Learned Advocate for the Petitioners has taken us through the chequered history of the case. According to the Petitioners, the Petitioners are heirs from the branch of one Shankar, who was having half share from survey No. 98. The other half share was of brother of Shankar, Genu. According to the Petitioners, name of Genu was entered into the record of rights for the entire area and after the death of Genu, name of his wife Aabubai came to be recorded in Khasara Pahani Patrak. The Petitioners have then stated as to how wrong entries have been taken in the revenue record and that the Petitioners had applied to the Superintendent of the Land Records, Beed for recording their names in the said property to the extent of their share. The Deputy Superintendent of

Land Records, Ashti, after giving notice to all the concerned parties, prepared a map of Pot Hissa and names of the Petitioners were recorded to the survey No. 98, Pot Hissa 1 – 2 Acre 20 Guntha, Survey No. 98 (2) *ad measuring* 65 R, Survey No. 98/4 – 6 Acre 17 R, Survey No. 98/5 – 47 R + 32 R = 79 R. The total area was 12 Acre. Accordingly, extract of the same was given to the Tahsildar, however, the Judgment and order dated 23.07.2019 passed by the Superintendent of Land Records was challenged before the Deputy Director of Land Records, Aurangabad. Thereafter, The Deputy Director, vide order dated 18.09.2020, remanded the matter to the Superintendent of Land Records, Beed. Thereafter, the Superintendent of Land Records, Beed, gave Judgment and order dated 04.03.2021 and thereby set aside Mutation Entry No. 208 to the extent of survey No. 98. There was Writ Petition No. 9307 of 2023 before this Court, wherein an order came to be passed on 5th September, 2023 thereby directing that there should be compliance of clause No. 2 of the order passed by the Superintendent of Land Records, Beed. According to the learned Advocate for the Petitioners, still Mutation Entries have not been corrected, but by order dated

30th January, 2024, Mutation Entry No. 2026 came to be cancelled. Hence, the Petitioners have approached this Court.

5. Affidavit in reply is filed on behalf of Respondents No. 4, 5 and 10 by Mr. Anil Sampat Shivankar, Deputy Superintendent of Land Records, Ashti, wherein it has been stated that the Petitioners have suppressed the material facts with respect to litigation filed before the Civil Court bearing RCS Nos. 1000 of 2019 and 247 of 2020. The said suits are still pending before the Civil Court which is the subject matter of mutation entry of the land in question. It is stated as to how the orders came to be passed by his office and according to him, the Mutation Entry No. 2026 was recorded on the basis of land shown in possession of the parties. Inadvertently, 12 Acre land was shown as per Falni 12 in the name of Petitioners, on the possession shown by the parties, but it was without considering the record of rights. The Appeals have been preferred and periodically concerned authorities have passed different orders. In Writ Petition No. 9307 of 2023, Circle Officer was directed to comply with clause No.2 of order dated 04.03.2021, by following due

procedure of law. The Petitioners unnecessarily filed Contempt Petition. Thereafter, the Collector, Beed, by letter dated 28.12.2023 gave directions to the Superintendent of Land Records as well as Tahsildar, Ashti to comply with the order passed by this Court in Writ Petition No. 9307 of 2023.

6. We were required to take facts in somewhat detail, just to place it on record that the facts are disputed and the parties are already before the Civil Court. Now if any order is passed, which requires implementation, then appropriate proceedings will have to be taken, but certainly when the subject matter before the Civil Court is the same, as is now tried to be submitted in this Writ Petition, we do not find it to be a fit case where we should exercise our powers under Article 226 of the Constitution of India. The Writ Petition stands dismissed. In view of dismissal of the Writ Petition, Civil Application stands disposed of.

(HITEN S. VENEGAVKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE