IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 WRIT PETITION NO. 1662 OF 2026

RAHUL NAGINBHAI PRAJAPAT MISTRI
VERSUS
STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS
...
Mr. D. K. Kulkarni, Advocate for the Petitioner
Mr. K. N. Lokhande, AGP for Respondent/State

CORAM : S. G. CHAPALGAONKAR, J.
DATED : 16th FEBRUARY, 2026

P. C. :-

1. The Writ Petition is filed with following prayer clause 'B'.

"B. Issue writ of certiorari or any other writ, order, directions or writ of certiorari and quash and set aside the impugned orders passed by all the respondents 2 to 5 respondents annexed at Exh. "F" to "J" respectively by setting aside the mutation entries 3361, 3269 and 3270 of land gat nos.248/3 and 269/2 of village Nawapur, Tq. Nawapur, Dist. Nandurbar."

2. Mr. Kulkarni, learned Advocate appearing for Petitioner, submits that suit property originally belonged to Naginbhai, Jayrambhai Prajapat (Mistri), who is father of Petitioner. On 10.05.2011 Naginbhai expired leaving behind Petitioner, his mother, two brothers and two sisters. Although death of Naginbhai was intimated to Talathi. He failed to take entries of legal heirs on

revenue record.

3. The Petitioner's brother had filed Civil M.A. No. 1/2016 under provisions of Bombay Regulation Act seeking issuance of his legal heirship certificate in their favour. However, later on they entered into said proceeding and raised their claim based on alleged will executed by Naginbhai. The mutation entry No. 3361 has been sanctioned on the basis of aforesaid will. Mr. Kulkarni submits that Petitioner is disputing will and therefore, revenue entry taken on the basis of such disputed document could not have been permitted.

4. Although Petitioner has challenged the aforesaid mutation entry, the Competent Authority under the Maharashtra Land Revenue Code was pleased to uphold mutation entry. Undisputedly, R.C.S. No. 42 of 2018 is pending before Civil Judge, Junior Division at Nawapur, wherein issue regarding validity of will is subject matter.

5. In that view of matter, Writ Petition stands disposed of. Needless to state that mutation entry shall be subject to a final decision in suit.

(S. G. CHAPALGAONKAR, J.)

ssp