

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 15063 OF 2025

Vilas Raghunath Patil and Ors.

.. Petitioners

Versus

The State of Maharashtra,
Through Secretary Revenue and Forest
Department and Ors.

.. Respondents

.....

- Mr. Akshay Patil a/w. Mr. Suraj N. Naik, Advocate i/by Mr. R.D. Suryawanshi for Petitioner.
- Ms. Savina R. Crasto, AGP for Respondent Nos.1 to 5 – State.
- Mr. Vishal Patil a/w. Mr. Afsal Ansari, Advocates for Tenants.
- Mr. G.S. Ahire, Assistant Revenue Officer, Class-3 present.

.....

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 18, 2025.

P.C.:

1. Heard Mr. Patil, learned Advocate for Petitioner; Ms. Crasto, learned AGP for Respondent Nos.1 to 5 – State and Mr. Patil, learned Advocate for Tenants.

2. In view of the question raised by Court and as stated in paragraph No.3 of the order dated 11.11.2025, Ms. Crasto, learned AGP appearing on behalf of the State Government and its functionaries informs the Court that the annulment of the Mutation Entry No.996 without giving notice to Petitioners as observed by this Court may be dealt with by the Court accordingly and as a Officer of the Court she has apprised the concerned Statutory Officer of the same.

3. In the present case, it is seen that Petitioners before me purchased the subject property by a registered Sale Deed pursuant to which their names were mutated by Mutation Entry No.996 after following the due process of law and as argued by Ms. Crasto, learned AGP presumably on the basis of some material thereafter *suo moto* reversed / annulled the said Mutation Entry by a further Mutation Entry No.1334.

4. Being aggrieved, Petitioners therefore moved this Court. I have impressed upon the learned AGP to apprise the Statutory Officer that if at all he needs to take any action for annulment of the existential Mutation Entry, he cannot do so without following the due process of law as envisaged and he has to give notice to all affected parties namely Petitioners in the present case or the landlord (predecessors-in-title) or the tenant.

5. Learned AGP has in the course of her submissions referred to certain compromise pursis effected between landlord and tenant which may probably be one of the reasons as to why the said annulment may have happened, but without giving due and proper notice to the Petitioners, it was improper for the Statutory Officer to cancel the said Mutation Entry which his own office had registered on the basis of a registered Sale Deed which was submitted by Petitioners.

6. The Tahasildar and/or any Statutory Officer and all other private parties are directed by this Court not to act in furtherance of Mutation Entry No.1334 until the Petitioners are heard by the Tahasildar and/or the concerned Statutory Officer for cancellation of the said entry by following the due process of law. While doing so, it shall also be open to the Tahasildar to hear any of the other affected parties qua the subject property or Mutation Entry by giving them notice.

7. In view of the exigency mentioned by the learned Advocates at the bar, it would be in the interest of justice if the learned Tahasildar / Statutory Officer fixes the preliminary hearing in the present case for taking steps in respect of cancelling the Mutation Entry No.996 recorded in the names of the Petitioners on 24.11.2025 at 12:00 noon.

8. All parties shall appear before the learned Tahasildar on above date and the Tahasildar shall pass directions for fixing the date of hearing for cancellation of Mutation Entry No.996 which recorded the name of the predecessors-in-title of the Petitioners.

9. Petitioners and all other parties including the landlord and tenant, if they so desire can file their objections thereto within a period of two weeks thereafter. The learned Tahasildar is directed by this Court to hear the parties objections and only after hearing all

concerned parties decide the fate of cancellation of Mutation Entry No.996 strictly in accordance with law by passing speaking order.

10. All contentions of parties including those who are not present before me and who are the affected parties in the said Mutation Entry are expressly kept open.

11. Writ Petition is allowed with the directions.

12. Needless to state that the learned Tahasildar while deciding the aforesaid issue shall not be influenced by any of the findings stated in the impugned order and shall decide the same after hearing the parties strictly in accordance with law.

13. Writ Petition is disposed.

[MILIND N. JADHAV, J.]

Ajay

AJAY
TRAMBAK
UGALMUGALE
Digitally signed
by AJAY
TRAMBAK
UGALMUGALE
Date: 2025.11.18
18:27:36 +0530