



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

WRIT PETITION NO.4009/2025

Shri Vilas Marotrao Thakare

Vs.

State of Maharashtra and Ors.

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

Court's or Judge's order

Mr. S. D. Sonak, Advocate for Petitioner.
Ms. K. H. Bhondge, A.G.P. for Respondents/State.
Mr. P. R. Puri, Advocate for Respondent No.6.

CORAM : ROHIT W. JOSHI, J.

DATED : 10.06.2026

1. The present petition takes exception to the following orders :

	Name of Authority	Case No.	Date of Order
1.	Tahsildar	रा.मा.क्र.13/RTS.64/2016-17	05.04.2017
2.	Sub-Divisional Officer	रा.अ.मा.क्र.62/RTS-64/2017-18	26.07.2018
3.	Additional Collector	राजस्व अपील प्रकरण क्र. No.05/RTS-64/2018-19	14.12.2020
4.	Divisional Commissioner	पुनरिक्षण क्र.19/RTS-64/2022	28.02.2025

2. The controversy in the petition pertains to mutation entry with respect to land bearing Survey Nos.21/1, 21/2, 21/4 and 99. The respondent No.6 had moved an application for deletion of the name of Shri Vitthal Rukhmai Deosthan, Dhapewada from the revenue record and record his name over the said properties in view of will executed in his favour by the erstwhile owner of the property, late Bhagirathabai.

3. The Talathi has ordered deletion of name of Shri Vitthal Rukhmai Deosthan, Dhapewada from the revenue record and has directed to record the name of respondent No.6 in same.

4. The petitioner claims to be the trustee of the said Trust. The petitioner filed appeal challenging the order passed by the Tahsildar whereby the name of the Trust was ordered to be deleted and name of respondent No.6 was ordered to be mutated with respect to the suit lands. As mentioned above, the appeals preferred before the Sub-Divisional Officer and Additional Collector as also the revision application preferred before the Divisional Commissioner came to be dismissed. These four orders passed by the aforesaid Authorities are subject matter of challenge in the present petition.

5. The learned Counsel for the petitioner contends that, the suit properties were bequeathed by late Bhagirathabai in favour of the Trust and accordingly, the name of the Trust was recorded in the revenue record. Perusal of Schedule – I of the Trust produced on record by the petitioner demonstrates that, whereas, other properties owned by Bhagirathabai are recorded in Schedule – I of the Trust, the suit property is not included in Schedule – I. It will also be pertinent to state that before passing the order dated 05.04.2017 the Tahsildar had called for report from the concerned Talathi, who has stated that possession of the suit property was with the respondent No.6 and that the petitioner never in possession of the suit property. The petitioner has not produced any document on record to

establish right over the suit property.

6. All the Authorities have concurrently held against the petitioner and in favour of the respondent No.6. Even before this Court, no document is brought on record to establish title of the suit property.

7. The Sub-Divisional Officer while dismissing the appeal has held that the petitioner had not produced any material on record to demonstrate his relationship with the Trust. It is held that the petitioner did not have the locus to institute appeal on behalf of the Trust. It is also held that the appeal is filed beyond the period of limitation for which no plausible explanation is offered. The Additional Collector while dismissing the appeal has recorded that the petitioner was removed from the Managing Committee of the Trust vide Resolution dated 25.07.2018. The Additional Collector has held that the petitioner filed the appeal without any authority. A reference is also made to an application filed before the Joint Charity Commissioner vide Application No. 274/2017 wherein a reference is also made to inspection report submitted by Superintendent in the Office of Joint Charity Commissioner in Application No.274/2017 wherein it is recorded that upon inquires it was found that the Trust did not possess any documents showing its entitlement over the suit property. In view of the aforesaid reasons, the Additional Collector dismissed the appeal. The Commissioner has also recorded findings on the same lines by referring to proceeding before the Joint Charity Commissioner, Resolution dated 29.01.2011 by the Trust stating that it wanted to stay claim only against properties

standing in its name in the Schedule – I and that the petitioner did not have any locus to file the writ. This Court does not find any reason to take a different view of the matter. As noticed above, even before this Court, the petitioner has not filed any documents on record to establish any right of the Trust over the suit properties. It will be pertinent to state that some of the properties belonging to the erstwhile owner are recorded in the Schedule – I of the Trust, however, the suit properties do not find a mention in the Schedule – I of the Trust.

8. Apart from this, the petitioner has also not approached the Court with clean hands. He has filed on record typed copy of impugned order passed by the Tahsildar from which most material aspect with respect to possession of the property is deleted.

9. In that view of the matter, no case of interference is made out. The Writ Petition is dismissed accordingly.

(ROHIT W. JOSHI, J.)