



1 WP 4240 & 4245 of 2017

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Writ Petition No. 4240 of 2017

Balasaheb Sonyabapu Shitole. .. **Petitioner.**

Versus

The State of Maharashtra
And Others. .. **Respondents.**

Shri. Prashant R. Nangare, Advocate, for petitioner.

Shri. S.W. Munde, Assistant Government Pleader, for
respondent Nos.1 to 3.

Shri. V.D. Hon, Senior Counsel, instructed by Shri. Dilip
D. Rode, Advocate, for respondent No.4.

Shri. R.R. Mantri, Advocate, holding for Shri. R.R.
Sancheti, Advocate for respondent Nos.5-A to 5-H.

With

Writ Petition No. 4245 of 2017

Jalindar Appa Dhaygude
Deceased through legal representatives
Shashikala Jalindar Dhaygude
And Others. .. **Petitioners.**

Versus

The State of Maharashtra
And Others. .. **Respondents.**



Shri. R.R. Mantri, Advocate, holding for Shri. R.R. Sancheti, Advocate, for petitioners.

Shri. S.W. Munde, Assistant Government Pleader, for respondent Nos.1 to 3.

Shri. V.D. Hon, Senior Counsel, instructed by Shri. Dilip D. Rode, Advocate, for respondent No.4.

Shri. Prasant R. Nangare, Advocate for respondent No.5.

Coram: T.V. NALAWADE, J.

Date: 7 July 2017.

ORDER:

1) Both the sides are heard substantially. During arguments, the learned Senior Counsel Shri. V.D. Hon drew attention of this Court to one mutation sanctioned in the year 1972 whereby name of Appa Dhaigude came to be entered in the revenue record of Survey No.100/2A for the area of 2 acres on the basis of sale deed executed in his favour on 28-3-1969. The learned Senior Counsel submitted that appropriate entry was already taken and there was no need for Dhaigude to go to the authority created under Bombay Prevention of Fragmentation and Consolidation of Holdings Act. This Court could not see



the corresponding record. Though in the aforesaid mutation No.46 it is mentioned that Survey No.100/2A was subsequently given Gat No.595, the submissions and the various orders show that Gat No.595 was not given to Survey No.100-2A and probably this Gat Number was given to Survey No.100/3. This situation has created confusion. The point of jurisdiction of the Government and also the jurisdiction of the authority who had made order of correction under section 32 of the aforesaid Act is also there. In such case it is always advisable to see the forms prepared during implementation of the consolidation scheme. That can remove the doubt and proper decision can come out. Unfortunately both the sides are not having such forms.

2) In view of these circumstances and as it is last date of the present assignment, this Court will not be in a position to decide the matter. Both the sides are advised to produce the aforesaid forms created on both the occasions viz. on the occasion of giving Gat numbers to the survey numbers and then changing the Gat numbers.



3) Learned counsel for the petitioner submitted that the order of the State Government needs to be stayed. It appears that *status quo* order is already there. So there is no need of separate stay order.

Sd/-
(T.V. NALAWADE, J.)

rsl