

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

968 CIVIL APPLICATION NO.8771 OF 2023
IN CP/59/2022 WITH CA/4137/2023 IN CP/251/2022 WITH
CA/13496/2022 IN CP/251/2022 WITH CA/13497/2022 IN
CP/251/2022 WITH CA/16288/2022 IN CP/251/2022 WITH
CA/16291/2022 IN CP/59/2022

ARUN VISHNUPANT BHAGYAWANT
VERSUS
PARWATIBAI UTTAM WAKADE AND OTHERS

...
Advocate for Applicant : Mr. R. G. Joshi
Advocate for Respondents : Mr. S. W. Mundhe

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 18/07/2023.**

P. C. :

1. The learned counsel for the petitioner submits that the revenue officers by taking entry in the record of rights of the disputed Gut No.73 based on the earlier entry No. 297, have committed contempt of the order of this court in second appeal, which is pending. However, on going through the copies of documents on record, it appears that there are two mutation entries having same number as 297. One is in respect of Gut No.30 of village Jafrabad and other one is in respect of land Gut Nos.373 and 119. The learned Tahsildar Jafrabad as well as SDO, Bhokardhan had in fact directed to take effect of mutation entry No. 297, which was certified in the year 1997 by online process but the said decisions are set aside by the Additional Collector by relying upon the opinion of Naib Tahsildar, Jafrabad, who is also Public Information Officer. It appears that the present petitioner Arun Vishnupant Bhagyawant had sought information regarding

the aforesaid mutation No.297 in respect of charge of loan amount taken by respondent – Parwatabai and her husband by mortgaging the land in dispute i.e. land Gut No.73. However, the said Naib Tahsildar, Jafrabad told the petitioner that after taking search he only found mutation entry No.297 in respect of Gut No.30. However, there appears two mutation entries on record having the same number i.e. 297. In one mutation entry, it is shown that it is in respect of loan charge, obtained by the respondent Parwatabai and her husband in respect of disputed land Gut No.73 and others, whereas the other mutation entry is in respect of Gut No.30, which is not subject matter of the present dispute. As such, Naib Tahsildar, Jafrabad is directed to submit report clarifying that whether there are two mutation entries of same number as 297 or there is only one mutation entry either in respect of Gut No.73 or Gut No.30. The learned AGP is directed to communicate the same to Naib Tahsildar, Jafrabad.

2. Stand over to 08/08/2023.

(SANDIPKUMAR C. MORE, J.)