



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

914 WRIT PETITION NO. 12226 OF 2025

PARASMAL MASHRIMAL SHAHA THROUGH POA GANESH SHIVRAM
PACHARANE

VERSUS

THE COLLECTOR AHILYANAGAR AND OTHERS

...

Advocate for the Petitioner : Mr. Amol Karbhari Gawali
AGP for Respondents/State authorities : Mr. S.S. Dande

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CORAM : ARUN R. PEDNEKER, J.

Dated : October 04, 2025

PER COURT :-

1. Heard.
2. The learned counsel for the petitioner submits that the petitioner has purchased the properties from one Abdul Aziz Dayabhai bearing Survey Nos. 245/B-1, admeasuring 0 H. 72 R. and 245/B-2, admeasuring 0. H. 63 R. by executing registered sale deed 15.10.1991. The learned counsel submits that Abdul Aziz Dayabhai had initiated proceedings for partition under section 85 of the Maharashtra Land Revenue Code and by an error, property bearing Survey No. No. 245/B-2 is shown to be allotted in favour of son of Dayabhai in the year 1992. The error was brought to the notice of Dayabhai by the present petitioner and thereafter, Dayabhai had executed registered correction deed in respect of the property bearing Survey No. 345/B-2 adm. O. H. 63 R. and accordingly the said property was taken out of the purview of section 85 application. However, mutation entry was not effected to that effect. In the interregnum Abdul Aziz Dayabhai passed away. Although there is sale deed in favour of the petitioner the same was not forwarded by Registering office to the Revenue authorities for the purpose of mutation under section 154 of the Maharashtra Land Revenue Code and as such, land remained to be mutated in his name. The learned counsel submits that after demise of Abdul Dayabhai, in the record

of property bearing Survey No. 245/B-2, the name of son of Dayabhai I.e. Kasim was shown by effecting mutation entry. As such, the petitioner has filed suit. Thereafter, Kasim has made transfer of the property bearing S.No. 245/B-2 in favour of other sons of Dayabhai and mutation entry to that effect is carried out in respect of which suit is filed qua the property bearing S.No. 245/B-2. The learned counsel submits that having noticed that this property bearing S.No. 245/B-2 is now subject matter of the suit, he applied for mutation entry of S.No. 245/B-2. Based on such application after inquiry such mutation entry was carried out. Thereafter, one unknown person namely Ramakant Namdeo Sonawane had applied to Sub Division Officer that mutation entry carried on the property bearing S.No. 245/B-2 is based on the fabricated documents and also in violation of the provisions of the Act as the petitioner is not the agriculturist. Based the application of Ramakant Sonawane, inquiry was conducted by the Sub Divisional Officer and mutation entry made in favour of petitioner was set aside. The learned counsel for the petitioner submits that there is report given by the Tahsildar that the sale deeds are genuine, notwithstanding the report of the Tahsildar, the S.D.O. has set aside the mutation entry made in favour of the petitioner. The learned counsel further submits that there are government resolutions which shows that power of review/revocation of mutation entry cannot be invoked by the concerned authority. There are general directions from the State that the power of exercising the revision cannot be invoked by the S.D.O. or any other officer based on the complaint made by the third party. The learned counsel submit that the application of Ramakant Sonawane ought not to have been entertained and there is unlawful exercise of jurisdiction by the authorities. The petitioner also submits that if any inquiry is directed to be conducted in exercise of powers under section 257 of M.L.R. Code, the order needs to be passed by the Collector in exercise of powers under section 257 of the M.L.R. Code. The learned counsel submits that the powers exercised by the S.D.O. are prima facie unlawful.

3. Considering the above submissions, issue notice to the respondents, returnable on 18.11.2025. Mr. S.S. Dande, learned counsel waives service of notice for respondents/State authorities. Notice to indicate that if time permits, the matter may be disposed of at admission stage.

4. There shall be status-quo as regards property bearing Survey No. 245/B-2 with respect to further change in mutation entries for any party dealing with the property till the next date. The impugned order of the S.D.O. is stayed. However, it is directed that the petitioner himself or anybody on his behalf shall not create any interest in respect of bearing Survey No. 245/B-2 as mentioned in sale deed at page No. 49 of this writ petition. . In the event, this court renders finding that the sale deed is bad in law or bogus/fabricated, the petitioner may have to face severe cost in the matter.

(ARUN R. PEDNEKER, J.)

ssc/