

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

WRIT PETITION NO.4160/2022

Shri Kishor Bhaskarrao Garole & Anr.

Vs.

The Sub-Divisional Officer, Mehkar, Buldhana & Ors.

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

Court's or Judge's orders

Mr. K.N. Shukul, Advocate for the Petitioners.
Ms. S.S. Jachak, AGP for Respondent Nos.1 & 7.

CORAM : MANISH PITALE, J.

DATED : 22nd JULY, 2022.

Heard learned counsel for the petitioners.

2. The petitioners have filed the present petition challenging order dated 15.12.2021, passed by the respondent No.1 - Sub-Divisional Officer, whereby an appeal filed by the respondent No.2, has been allowed and mutation entries that were existing in favour of the predecessors of the petitioners, have been disturbed.

3. It is the case of the petitioners that they were not heard, while passing the impugned order despite the fact that they have registered documents in their favour pertaining to the subject property. On this basis, it is submitted that the present petition would be maintainable despite the fact that alternative remedy of filing an appeal before the Collector is available.

4. It is further specifically pleaded that on the basis of the mutation entries being changed, according to the petitioners, third party rights are likely to be created and therefore, they are seeking urgent interim relief in the matter.

5. Issue notice to the respondents for final disposal, returnable on 30th August, 2022.

6. Ms. S.S. Jachak, learned AGP waives notice on behalf of respondent Nos.1 and 7.

7. Hamdast granted.

8. In the meanwhile and till the next date of listing, there shall be *ad-interim* stay in terms of prayer Clause (b).

JUDGE

Vijay