बरल - ६/
२४१२९ | १४८ | ३४५
२०

महाराष्ट्र शासन

गाव नमुना सात (अधिकार अभिलेख पत्रक)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम ३,५,६ आणि ७]

गाव :- आकुर्ली (१४३४३८) तालुका :- बोरीवली जिल्हा :- मुंबई उपनगर जिल्हा

ULPIN : भूमापन क्रमांक व उपविभाग

13844084279 ३६ 13844084279

भूधारणा पद्धती भोगवटादार वर्ग -१ शेताचे स्थानीक नाव :

क्षेत्र, एकक व आकारणी	खाते क्र.	भोगवटादाराचे नाव	क्षेत्र	आकार	पो.ख.	फेरफार क्र	कुल, खंड व इतर अधिकार
क्षेत्राचे एकक हे.आर.चौ.मी	१२	गोरक्षक मंडळी पंच	०.२७.३२	६.५०		(३१)	कुळाचे नाव व खंड
अ) लागवड योग्य क्षेत्र							इतर अधिकार
जिरायत -							तुकडा
बागायत -							
इतर ०.२७.३२							प्रलंबित फेरफार : नाही.
एकुण							
ला.यो. क्षेत्र ०.२७.३२							शेरा/टिपण फेरफार क्रमांक :— व दिनांक :—
पोटखराब क्षेत्र (लागवड अयोग्य)							
वर्ग (अ) -							
वर्ग (ब) -							
एकुण							
पो.ख.क्षेत्र ०.००.००							
एकुण क्षेत्र (अ+ब) ०.२७.३२							
आकारणी ६.५०							
चुडी दिनांक आकारणी							

जुने फेरफार क्र :(१५) (१३४) | सीमा आणि भूमापन चिन्हे

ई महाभूमि

हा गाव नमुना क्रमांक ७ चेतांक १३/०७/२०१९ ०४:३४:३० PM रोजी डिजिटल स्वाक्षरीत केला आहे व गाव नमुना क्रमांक १२ मा.पेटा समाहर्ताधिकारी अधिनस्थ मुंबई ७/१२ अभिलेखावर घर क्रमांकाची नवी डिजिटायझेशन आवश्यकता नाही.

७/१२ डाउनलोड दि. : ३१/१०/२०२२ : १२:५३:५१ PM. वेबसाइट पडताळणीसाठी https://digitalsatbara.maharashtra.gov.in/dair/ या संकेत स्थळावर भरावा 2202100000001168 हा क्रमांक वापरावा.

पृष्ठ क्र. १/३

गाव :- आकुर्ली (९४३४४८)	तालुका :- बोरीवली	जिल्हा :- मुंबई उपनगर जिल्हा

शहर सर्वे हा नगर भूमापन हद्दीत आहे.

क्रमांक - ६/		
२४१२	१२९	३४५
२०२२		

ई महाभूमि

हा सात बारा नमुना क्रमांक ८ दिनांक १३/०७/२०१९,०४:३३:३० PM रोजी डिजिटल स्वाक्षरीत केला आहे व सात बारा नमुना क्रमांक १२ चा ठेठा सार्वजनिक असल्यामुळे ७/१२ अभिलेखावर या कोणत्याही सही शिक्क्याची आवश्यकता नाही.

७/१२ डाउनलोड दि. : २७/१०/२०२२ : १०:५३:५१ PM. वेबसाइट पडताळणीसाठी https://digitalsatbara.mahabhumi.gov.in/dsr/ या संकेत स्थळावर लॉगिन 23021600901168 हा क्रमांक वापरावा.

बरल - ६/

२०१२९ ५५० ३४५

२०२२

बिल्डा - मुंबई उपनगर

जिल्हा

गाव नमुना बारा (पिकांची नोंदवही)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम २५]

गाव :- आकुर्ली (९८३५३८)

तालुका :- बोरीवली

सुमारण क्रमांक व उपविभाग ३६

			पिकाखालील क्षेत्राचा तपशील					लागवडीसाठी उपलब्ध नसलेली जमीन		शेरा
वर्ष	हंगाम	खाते क्रमांक	पिकाचा प्रकार	पिकाचे नाव	जल सिंचित	अजल सिंचित	जल सिंचनाचे साधन	स्वरूप	क्षेत्र	
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)

टीप :** सदरची नोंद मोबाइल ॲप द्वारे घेतेल आलेली आहे

THE SEAL OF THE SUB-REGISTRAR BORIVALI NO. 5 सह दुय्यम निबंधक बोरीवली ५ मुंबई उपनगर जिल्हा MUMBAI SUBURBAN

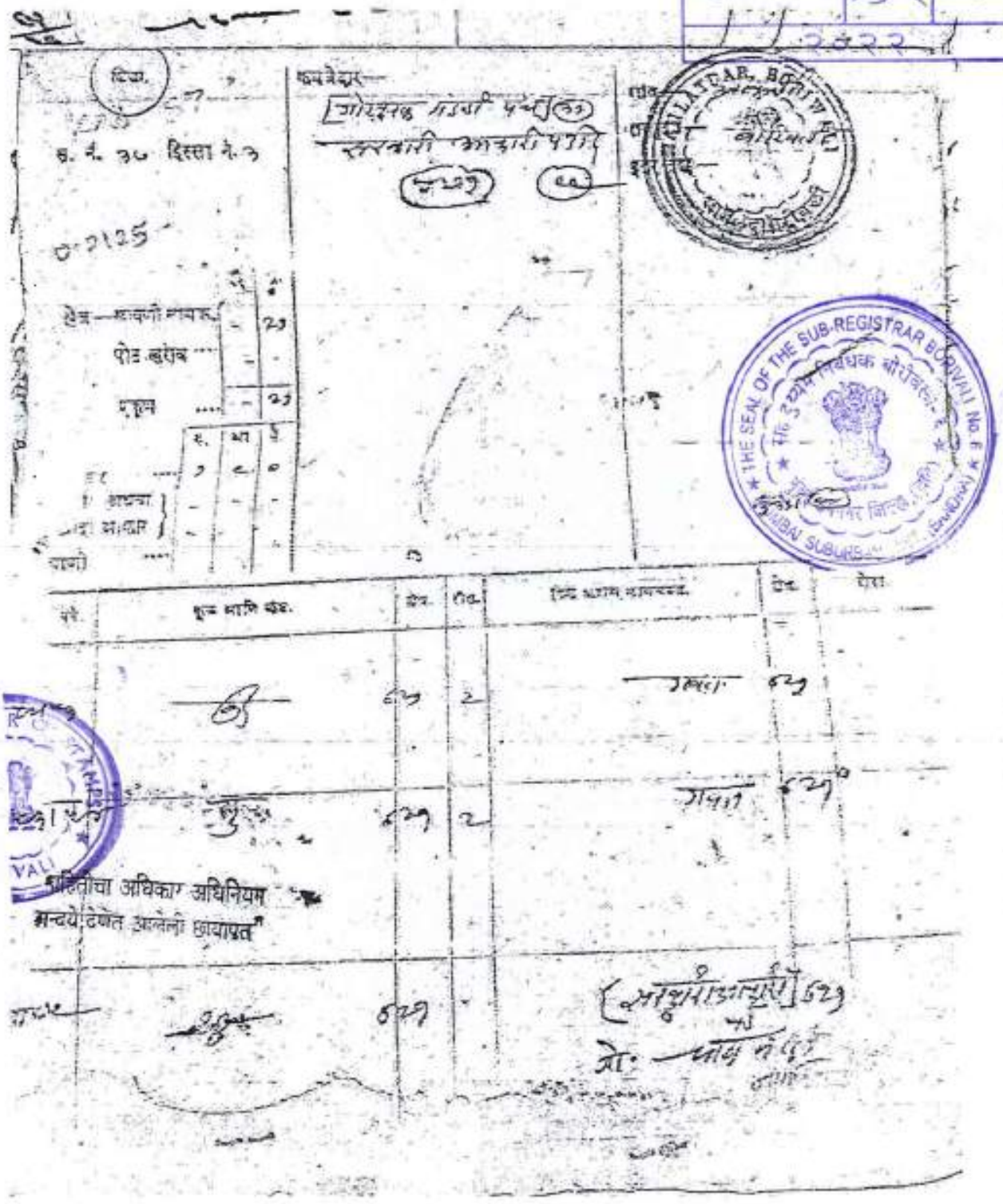
ई महाभूमि भूमिअभिलेख विभाग

बारल - ६/		
२७१२९	१५१	४४५
२०२२		

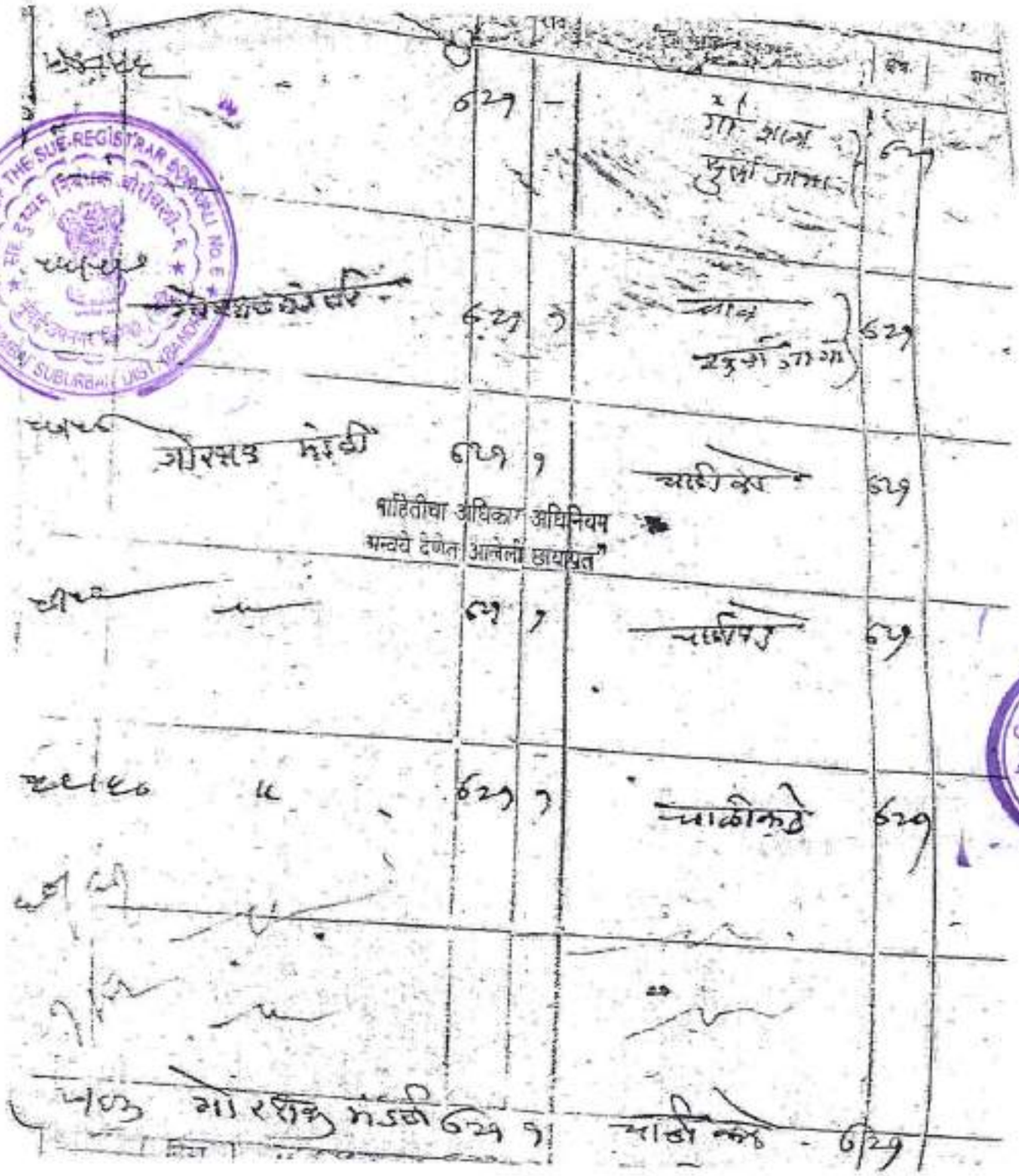




बरल - ६/		
२१२२९	७५२	७४५
/ / २०२२		



सरल - ६/		
२४१२९	१५३	३५५
२०२२		



माहितीचा अधिकार अधिनियम
अन्वये देणेत आलेली छायांकित

बरल - ६/		
२४१८९	१५४	३४५
२०२२		



माहितीचा अधिकार अधिनियम
अन्वये देणेत आलेली छायाप्रत

बरल - ६/		
२२२९	३५५	३५५
२०२२		





बस्ल - ६/
२४१२९ | १५६ | ३४५
२

महाराष्ट्र शासन

गाव नमुना सात (अधिकार अभिलेख पत्रक)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ चातील नियम ३,१,६ अन्वये]

गाव :- आकुर्ली (९४३४३८) तालुका :- बोरीवली जिल्हा :- मुंबई उपनगर जिल्हा

ULPIN : भूमापन क्रमांक व उपविभाग

15089163575 ३८/२ 15089163575

मुमारगा पद्धती भोगवटादार वर्ग -१ शेताचे स्थानिक नाव :

क्षेत्र, एकक व आकारणी	खाते क्र.	भोगवटादाराचे नाव	क्षेत्र	आकार	पो.ख.	फेरफार क्र	कुळ, खंड व इतर अधिकार
क्षेत्राचे एकक हे.आर.चौ.मी	१२	गोरक्षक मंडली मंच	०.८२.२१	११.३३		(५४३)	कुळाचे नाव व खंड
अ) लागवड योग्य क्षेत्र	१२०	एम्प्लॉईज स्टेट इन्शुरन्स कॉर्पोरेशन	१.१५.०७	१५.८६		(५४३)	इतर अधिकार
जिरायत -							
बागायत -							प्रलंबित फेरफार : नाही.
डुबार १.१७.२८							
एकुण ला.यो. क्षेत्र १.१७.२८							शेवटचा फेरफार क्रमांक : ५४३ व दिनांक : १७/०१/२०१८
ब) लागवड अयोग्य क्षेत्र							
वर्ग (अ) -							
वर्ग (ब) -							
एकुण पो.ख.क्षेत्र ०.००.००							
एकुण क्षेत्र (अ+ब) १.१८.२८							
आकारणी २७.९९							
पुढील बिन्द- शिल्लक आकारणी							

जुने फेरफार क्र : (३९) (९९) (१२४) (५३४) (५४१

सीमा आणि भूमापन चिन्हे

ई महाभूमि

हा गाव नमुना क्रमांक ७ दिनांक १३/०७/२०२१,०४:२७:४१ PM रोजी डिजिटल स्वाक्षरीत केला आहे व गाव नमुना क्रमांक १२ चा डेटा स्वयंप्रणालीत अस्तित्वातील ८/१२ अभिलेखावर सर्व फेरफारांची नोंद तिच्याशी आवश्यकता नाही.

८/१२ काढलाचि दि. : ३१/१०/२०२२ : १५:३५:५५ PM. वेबसाइट पडताळणीसाठी https://digitalsatbara.mahabhumi.gov.in/dar/ या संकेत स्थळावर पाठवण 2302190008001188 हा क्रमांक उपलब्ध.

गाव :- आकुर्ली (१४३४३८)	तालुका :- बोरीवली	जिल्हा :- मुंबई उपनगर जिल्हा

अ.र.न. - ६/		
२४१२९	१५७	३४५

ई महाभूमि

बरल - ६/

२४१२२ | ५५८ | ३४५

२ बिलेखा २ मुंबई उपनगर

जिल्हा

गाव नमुना बारा (पिकांची नोंदवही)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ चातील नियम २९]

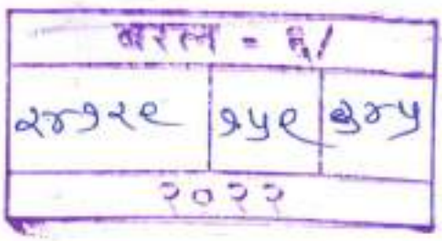
गाव :- आकुर्ली (५४३१३८) तालुका :- बोरीवली

फुलपान क्रमांक व उपविभाग ३८/२

			पिकाखालील क्षेत्राचा तपशील					लागवडीसाठी उपलब्ध नसलेली जमीन		शेरा
वर्ष	हंगाम	खाते क्रमांक	पिकाचा प्रकार	पिकांचे नाव	जल सिंचित	अजल सिंचित	जल सिंचनाचे साधन	स्वरूप	क्षेत्र	
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)

टीप :- ** सदरची नोंद मोबाइल ॲप द्वारे घेण्यात आलेली आहे

ई महाभूमि


बरस - ६/
२७१२९ | १५९ | ७४५
२०२२


THE SEAL OF THE SUB-REGISTRAR BORIVALI NO. 6
MUMBAI SUBURBAN DIST. (BAN)


COLLEC
BO

बरल - ६/
२४२९ | १६७ | ३४५
२०२

महाराष्ट्र शासन

गाव नमुना सात (अधिकार अभिलेख पत्रक)

[महाराष्ट्र जमीन महसूल अधिनियम आणि नोंदवह्या (तयार करणे व दुरुस्तीत तरतुदी) नियम १९८१ यातील नियम ३,५,६ आणि ७]

गाव :- आकुर्ली (१४७४३८) तालुका :- बोरीवली जिल्हा :- मुंबई उपनगर जिल्हा

ULPIN : भूमापन क्रमांक व उपविभाग

14609068804 १५ 14609068804

मुद्रांक पद्धती भोगवटादार वर्ग-१ इतर स्थानिक कर :

क्षेत्र, एकक व आकारणी	खाते क्र.	भोगवटादाराचे नाव	क्षेत्र	आकार	पो.ख.	फेरफार क्र	कूळ, खंड व इतर अधिकार
क्षेत्राचे एकक हे.आर.चौ.मी	१२	गोराक्षक मंडळी पंथ	०.७३.८५	३.५६	०.१९२२	(१२४)	कुळाचे नाव व खंड
अ) लागवड योग्य क्षेत्र							इतर अधिकार
जिरायत -							इतर
बागायत -							इतर
इतर ०.७३.८५							महाराष्ट्र गृहनिर्माण मंडळाराठी संपादन. (४५८)
एकुण							
ला.यो. क्षेत्र ०.७३.८५							प्रलंबित फेरफार : नाही.
ब) पोटखराब क्षेत्र (लागवड अयोग्य)							रोखलेला फेरफार क्रमांक : — दिनांक : —
वर्ग (अ) ०.१९.२२							
वर्ग (ब) -							
एकुण							
पो.ख.क्षेत्र ०.१९.२२							
एकुण क्षेत्र (अ+ब) ०.९३.०७							
आकारणी ३.५६							
पुढील किंवा विशेष आकारणी							

जुने फेरफार क्र : (३१) (२९) (३५) (१३७)

सीमा आणि भूमापन चिन्हे

ई महाभूमि

THE SEAL OF THE SUB-REGISTRAR BORIVALI No. 6 MUMBAI SUBURBAN DIST. (BANDRA)

STAMPS BORIVALI

हा गाव नमुना क्रमांक ७ दिनांक १७/०७/२०१९ ०८:२१:३७ PM रोजी डिजिटल स्वाक्षरीत केला आहे व गाव नमुना क्रमांक १२ चा डेटा स्वतंत्रपणित असल्यामुळे ७/१२ अभिलेखावर हस्त सोलपाठी सही शिक्क्याची आवश्यकता नाही.

७/१२ डाउनलोड दि. : ३१/१०/२०२२ : १६:००:५० PM. हिंदा पडताळणीसाठी https://digitalsatbara.mahabhumi.gov.in/das/ या संकेत स्थळावर पहावा 220310090185494 हा क्रमांक वापरावा.

पृष्ठ क्र. १/३

गाव :- आकुर्ली (९४३४३८)	तालुका :- बोरीवली	जिल्हा :- मुंबई उपनगर जिल्हा

सदर सर्वे हा नगर भूमापन हद्दीत आहे.

दस्त - ६/		
२४१२९	१६१	३५५
२०२२		

ई महाभूमि

हा शहर नमुना क्रमांक ७ दिनांक १३/०७/२०१९ ८:०५:३३ PM रोजी डिजिटल स्वाक्षरीत केला आहे व शहर नमुना क्रमांक १२ हा ढेटा स्वयंप्रमाणित अवस्थेमुळे ७/१२ अभिलेखावर सह सोपस्कारी सही शिक्क्याची आवश्यकता नाही.

७/१२ डाऊनलोड दि. : ३१/१२/२०२२ १२:४०:१० PM. वेबसाईट पडताळणीसाठी https://digitalsatbara.mahabhumi.gov.in/dslr/ या संकेत स्थळावर लॉगइन 2201180001891494 हा क्रमांक वापरावा.

बरल - ६/
२-१२९ | १६८ | ३५५
२०२२

गाव नमुना बारा (पिकांची नोंदवही)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम २९]

गाव :- आकुर्ली (१४१४८) तालुका :- बोरीवली जिल्हा :- मुंबई उपनगर जिल्हा

भुमापन क्रमांक व उपविभाग १५

			पिकाखालील क्षेत्राचा तपशील					लागवडीसाठी उपलब्ध पडलेली जमीन		शेरा
वर्ष	हंगाम	खाते क्रमांक	पिकाचा प्रकार	पिकाचे नाव	जल सिंचित	अजल सिंचित	जल सिंचनाचे साधन	पडजमीन	क्षेत्र	
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)

टीप :** सदरची नोंद नोंदवहीत ऑन द्वारे घेण्यात आलेली आहे

THE SEAL OF THE SUB-REGISTRAR BORIVALI NO 6
उप दुय्यम निबंधक बोरीवली - ६
मुंबई उपनगर जिल्हा (बांद्रा)
MUMBAI SUBURBAN DIST. (BANDRA)

ई महाभूमि

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IN THE CITY CIVIL COURT AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
EXECUTION APPLICATION NO.112 OF 2015
IN
S.C. SUIT NO.1758 OF 2003

THE SEAL OF THE SUB-REGISTRAR BORIVALI NO. 6 ... SUBURBAN DIST. (BANDRA)

Jaisukhlal N. Bhutta & Anr. ..Plaintiffs

Vs.

State of Maharashtra through
City Survey Office & Ors. ..Defendants

Mr. Bandalkre, Advocate for Plaintiffs.
Mr. Chaturvedi, Advocate for Defendant/State.

Coram : His Honour Judge
Shri S. C. Khati
(Court Room No.1)
Date : 30th November, 2016

ORAL ORDER

STAMPS BORIVALI

1. Heard learned Counsels for the parties at length. Perused the documents filed on record.

2. The Predecessor of this court had decreed the suit of the plaintiff wherein it was declared that the suit property belongs to the Plaintiff's Trust namely, Bombay Gow Rakshak Mandali, as absolute owners and vest in the Trust as owners having all rights, title and interest thereupon.

3. It is the case of the plaintiff that the suit prayer as sought cannot be granted as the direction cannot be given to any particular authority.

4. The record shows that the City Survey Officer is the party Defendant No. 1 in the suit alongwith other defendants. This court has already declared the plaintiff as absolute owner of the suit property. There is no appeal against the said judgment and decree till today and the same has attained the finality.

5. The present decree cannot be kept as a paper decree unless enforced. In view of the above, to give true effect to the judgment and decree, it will be just and proper to allow the prayer of the plaintiffs in the present execution proceedings. Hence, following order:-

O R D E R

Execution Application No. 112 of 2015 is allowed as per prayer clause (c).

(S.C. Khati)
Judge,
City Civil Court,
Dindoshi, Mumbai.

30th November, 2016

Dictated on : 30/11/2016
Transcribed on : 01/12/2016
Checked & Signed by HHJ : 02/12/2016

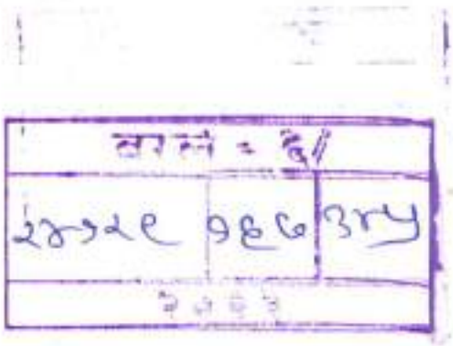
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2017
Execution Appln 112/15

"I affirm that the contents of this PDF file are the same, word to word, as per the original order".

Name of Steno with post	:	Mrs. Mugdha M. Paranjape (Stenographer H. G.)
Name of the Judge	:	H. H. J. Shri S. C. Khati (C. R. No. 01)
Date of pronouncement of order	:	30/11/16
Order signed by the P. O. on	:	02/12/16
Order upload on	:	02/12/16

THE SEAL OF THE SUB-REGISTRAR BORIVALI NO. 6 MUMBAI SUBURBAN DIST. (BANDRA)

STOR OF STAMPS BORIVALI


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THE SEAL OF THE SUB-REGISTRAR BORIVALI No. 6


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Exh.

IN THE BOMBAY CITY CIVIL COURT AT BOMBAY
BORIVALI DIVISION, DINDOSHI (BRANCH)
S.C.SUIT NO.1758 OF 2003

1. ~~Ranchhoddas M.Gokuldas.~~ Deleted
1. **Jaisukhlal N.Bhutta**
   Age 74 yrs.
2. **Anil Kumar Hirjee**
   Age 63 years.
   All trustees of Bombay Gowrakshak Mandli, a Public Charitable Trust registered under Bombay Public Trusts Act under No.F.5 having its Administrative Office at 1415-A, Dalamal Towers. 211, Nariman Point, Free Press Marg, Bombay-400 021. **...Plaintiffs.**

THE SEAL OF THE SUB-REGISTRAR BORIVALI No 6 MUMBAI SUBURBAN DIST. (MUMBAI)

V/s.

1. **State of Maharashtra**
   (A) through the City Survey office, MHADA building, Siddharth Nagar, Opp.Sahara India, Goregaon(W), Bombay-400 062.
   (B) through office of the Tahsildar, Borivali, having his office at 3/A, Bhandarkar Bungalow,

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Babhai, Lokmanya Tilak
Marg, Borivali(W),
Bombay 400 092.
(c) through Office of the
Collector, Bombay Suburban
District, having his
office at Government
Administrative Building,
10th floor, Govt.Colony,
Bandra(E), Bombay-400 051.

2. ~~**Pratapsinh Mathuradas**~~ **Deleted**
3. **Deepak S.Parekh**
Nos.2 and 3 also
Trustees of Bombay
Gowrakshak Mandli,
a Public Charitable
Trust registered under
Bombay Public Trusts Act
under No.F.5 having its
Administrative Office
at 1415-A, Dalamal Towers.
211, Nariman Point,
Free Press Marg,
Bombay-400 021. **...Defendants.**

CLAIM:-Suit for declaration and injunction.

Valuation of the suit for the purpose of Court fees and jurisdiction Rs.1000/-.

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Adv.Shri D.T.Gandhy for Plaintiffs.
AGP Shri Anil Baphana for Defendant No.1 (A) to (C)
Defendant No.2 deleted.
None for Defendant No.3.

THE SEAL OF THE SUB-REGISTRAR BORIVALI No 6 MUMBAI SUBURBAN DIST. (MAHARASHTRA)

CORAM: HIS HONOUR JUDGE
SHRI V.R.PATIL (C.R.No.1)
DATE : 26th April, 2011

ORAL JUDGMENT:

1. The brief facts of the plaintiff's case are as under:-

(A) That the plaintiffs are the present Trustees of 'Bombay Gowrakshak Mandali', a Public Charitable Trust registered under the provisions of Bombay Public Trusts Act, 1950 bearing P.T.R.No.F-5. The Trust is also registered under the Societies Registration Act. Therefore the Societies Registration Act is also applicable along with the provisions of Bombay Public Trust Act. Hereinafter this Trust will be referred to as "Gowrakshak Trust" for the sake of brevity and convenience.

(B) the object of the Trust is to preserve, protect and to carry on the activities of upliftment of cattle and it is in existence for

the past more than 115 years. The said Trust runs two cattle breeding farm one at Kandivli and the other at Betegaon, near Boisar.

(C) The defendant No.1(A) is City Survey office, defendant No.1(B) is Tahasildar's office, Borivali, defendant No.1(C) is the Collector, Mumbai Suburban District and the defendant Nos. 2 and 3 are Trustees of Bombay Gowrakshak Mandali. However, they are joined as formal defendant as they are unable to attend the Court due to ill health and/or being out of Bombay at present. Further defendant No.2 is deleted. As no relief is sought against them, they were only formal defendant.

(D) The Gowrakshak Trust owns large immovable properties at Kandivli and elsewhere and on these properties it runs cattle breeding farms. The Gowrakshak Trust owns and has at all material times in possession continuously, uninterruptedly of land bearing Survey No.37, Hissa No.3, CTS Nos.127, 127/1 and 128 at Kandivali for the past more than 100 years. This land is admeasuring 21 gunthas i.e. about

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2541 sq.yds. situated at Akurli Road, Kandivali (E). This land is used for the purpose of raising cattle fodder and cattle grazing. This land has access through Akurli Road, Kandivali (E). It is a case of the plaintiff that the access to the cattle breeding farm at Akurli is through Survey No.37/3 only since the beginning. Copy of the Plan (Exh.'A')is annexed to the plaint. All this piece and parcel of land situated at Akurli Village, Kandivali Tal.Borivali is bounded as under:-

(i) On East CTS No.127,

(ii) On West CTS No.126

(iii) On North by Akurli Road and

(iv) On South CTS No.126.

(E) The plaintiff has submitted as to how the land was acquired by the said Trust which is as under:-

(i) The Principal Collector of Konkan granted lease of 3 villages viz.Chincholi, Dindoshi and Akurli to Laxman Harishchandraji in A.D. 1830-31 on terms stated in Lease

Agreement dated 12.3.1831 and subsequently further modified on 24.2.1841.

(ii) Kabuliyat in Marathi was given on 22.3.1887 by Krishnarao Ramchandra Madgaonkar to Vinayak Ramchandra Laxmanji Khot, grand son of Laxman Harishchandraji (referred above)by virtue of which Shri Krishnarao Ramchandra Madgaonkar got Akurli Village with perpetual Sutidhari Rights on fixed Dhara (assessment) of Rs.1700/- per year and subject to Government Resolution passed from time to time and that Agreement was binding upon them.

(iii) Krishnarao Ramchandra Magaonakar transferred Khoti rights of village Akurli under lease to the Gowrakshak Trust vide Conveyance dt.4th May 1899 for payment of Rs.1,700/-Dhara per year subject to same rights and powers covenants and conditions mentioned in Kabuliyat dt.22.3.1887 mentioned above and at the price of Rs.10,000/-. The Gowrakshak Trust purchased the lease rights from Krishnarao Ramchandra Madgaonkar and subsequently purchased assignment from the

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original Khot his Khoti rights and have become the absolute owners of Village Akurli.

(iv) A Deed of Mortgage dt.3.9.1888 was executed between Ramchandra Laxmanji, grand son of original lessee Laxmn Harishchandra and Ebrahimbhoy Hassam and Allarakhiabhoy Hassam. The said Deed of Mortgage was again transferred and Deed of Transfer of Mortgage dt.27.6.1894 was executed between Ebrahimbhoy Hassam and Allakakhiabhoy Hassam of one part and Chhabildas Lallubhai on the other part and is registered at the Bombay Sub-Registry under No.126 A at pages 102 -114 Volume 86 of Book No.1 on 6.7.1894.

HEAD OF THE SUB REGISTRAR BORIVALI NO. 6 सहदुय्यम निबंधक बोरिवली-६ MUMBAI SUBURBAN DIST. (BANDRA)

(v) Vinayakrao Ramchandra Laxmanji committed a default in paying the mortgage debt. Suit bearing No.14 of 1895 was filed by Chhabildas Lallubhai against Vinayak Ramchandra Laxmanji and others which was decreed vide Judgment and order dt.13.4.1896 directing to give possession of Village Akurli to Chhabildas Lallubhai. Warrant for possession was issued by Sub-Judge of Thane dt.20.11.1897 and actual possession

was received by Chhabildas Lallubhai on 25.11.1897.

(vi) Chhabildas Lallubhai died on 5.12.1914. By codicil dt.20.11.1914, Bai Kesarbai(widow), Janmavjay Chhabildas (son) and Bhadrasen Chhabildas(son) were appointed as executors and Trustees and they became proprietors of villages in the island of Salsette and certain other Khoti village including Akurli village.

(vii) A suit was filed in the High Court bearing Suit No.817 of 1920 against Advocate General of Bombay for direction with regard to sale of villages mentioned in the Will and it was decreed on 7.4.1920 stating that sale price to be approved previously by Advocate General.

(viii) Vendors, Bai Kesarbai and other Executors of Chhabildas Lallubhai and Trustees agreed for absolute sale of village Akurli to the Plaintiffs' Trust at the price of Rs.1,50,000/- with the previous approval of Advocate General of Bombay. The Revenue Department of Government of Maharashtra also sanctioned the transfer of Akurli village to

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the plaintiff's trust by Order No.745 dt.17.3.1921. Sale favouring the Trust was subject to terms and conditions and recitals in Kowl dt.21.3.1831 and modification dt.24.2.1841 and subject to rights of Sutidhars and also that the Trust pay yearly rents/assessments.

(ix) For Sale of Akurli Village property to the Trust Conveyance dt.22.3.1921 between Kesarbai (widow of Chhabildas) Janmayjay(son), Bhadrasen (son of Chhabildas) and Bombay Gowrakshak Mandali was executed. Copy of Conveyance is at Exh.C.

(F) It is further case of the plaintiff that after the introduction of 'Salsette Estates Land Revenue Exemption Abolition Act, 1952', certain waste land not appropriated by the said Trust was declared as Government lands u/s.4 of this Act, without holding formal enquiry u/s.37 (2) of the Land Revenue Code vide M.E.No.99 dt.15.1.1953 name of the plaintiff's Trust was removed from Kabjedar's column and Sarkari Akari Padit was entered. Thereafter enquiry was

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held and Mamlatdar (the Officer on Special Duty) passed the orders on 15.4.1955, restoring to the Trust all lands except the Survey Nos.37, 45/2, 50/12, 87, 13, 55 and 53. Survey No.37 along with some other lands were declared as vesting in State Government.

(G) The Gowrakshak Trust had filed an Appeal before the Addl.District Deputy Collector, B.S.D., Andheri against the Mamlatdar's order dt.15.4.1955 declaring certain lands of Akurli village as Government lands under Section 4 of the Salsette Estates(Land Revenue Exemption Abolition) Act 1952 r/w. sec.37(2) of the Land Revenue Code. The Addl. District Dy.Collector, B.S.D.,Andheri was pleased to allow the appeal filed by the Gowrakshak Trust and revised orders that all the above referred lands including survey No.37(except Survey NO.13 and some portion of Survey No.87) should vest in the name of the plaintiff Trust and village records should be corrected accordingly. Thus, the Gowrakshak Trust was restored as the owners. The copy of the order dt.30.1.1960

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passed by Addl. District Dy. Collector in Appeal is at Exh.D.

(H) In the meantime enquiry officer was appointed and on 1.3.1967 he confirmed the title of the Government of Maharashtra as holder (Kabjedar) as per M.E.99 and made a note in the other rights column that the said Mandali was the owner of the super structure paying non agricultural assessment. Because of non-implementation of Appellate Order dt.30.1.1960; (Exh.D) the wrong and incorrect Record of rights was brought to the notice of the Inquiry officer conducting City Survey enquiry. Thus he was misled and was made to confirm the Government of Maharashtra as holder. The order of the enquiry officer is therefore based on mistaken view of the facts and misrepresentation made to him. The order of the Enquiry Officer is therefore void inoperative and of no effect.

(I) The plaintiff requested the Tahsildar and other concerned authorities to implement the order dt.30.1.1960 of Addl.Dist. Dy.

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Collector from time to time but to no avail.

The Tahsildar thereafter issued a notice dt.23.11.1983 with regard to land with Survey No.37/3(CTS No.127 and 128) alleging that Mandali had encroached upon this Government land and that the Trust unauthorisedly used this land. the plaintiffs replied to the said Notice vide two letters dt.1.12.1983 and 26.12.1983 and stated that mistakenly the said land was declared as Government land and also referred to Addl.Dist.Dy.Collector's order dt.30.1.1960 deciding Appeal in the Trust's favour and ordered to rectify land records.

(J) The plaintiff Trust filed an application/letters with Tahsildar and City Survey Officer vide letters both dt.30.1.1984 (Exh.E-1) for corrections in land records/ records of rights by deleting the name of State of Maharashtra from the Kabjedar's column and entering the name of Bombay Gowrakshak Mandali Trust as also by deleting words Sarkari Akari Padit from occupants column and correcting all revenue records. However, no action was taken.

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Reminder letter dt.17.8.1987 (Exh.E-2) is the copy of earlier application sent to the Tahsildar by the Plaintiff Trust. The plaintiff states that they were shocked and surprised to receive a reply vide letter dt.1.9.1987 (Exh.E-3) from the Tahsildar advising the said Trust to go in Appeal against the order of the Enquiry Officer and further stated that he had no authority to change the revenue records and he rejected the plaintiff's application.

(K) The said Tahsildar Borivali did not appreciate that because of the making of Mutation Entry No.99 arbitrarily and without giving a hearing to the Trust that a wrong and incorrect Record of Right came to be prepared. It was therefore the duty of the Tahasildar, Borivali to give effect and implement the Order of the Addl.District Deputy Collector, Andheri passed on 30.1.1960(Exh.'D'). The Mutation Entry No.471 was made wrongly on the basis of the Order of the Enquiry Officer. It was not appreciated that Record was firstly by unauthorised certification of M.E.99 which was

confirmed by subsequent M.E.No.471 which are both null and void. It was the duty of the Tahasildar Borivali to implement Order of Addl.District Dy.Collector, Andheri, made in Appeal as against the Order of the Officer or Special Duty appointed under the Salsette Estate Land Revenue Exemption Abolition Act, 1951 and there cannot be any excuse or pretext about the same.

(L) The plaintiff wrote a letter dt.30.1.1984 to the City Survey Officer for correction of land records. The plaintiffs were requested by District Inspector vide his letter dt.13.3.1984 to furnish him a copy of the Order dt.30.1.1960 of Addl.District Deputy Collector (BSD) and plaintiffs supplied the said order. However, no action was taken by City Survey Officer or by Collector of Land record. Therefore Plaintiffs issued reminder letter dtd.17.8.1987 but not action was taken inspite of reminder letters dt.30.1.1984, 13.3.1984 and 24.3.1984(Exh.F colly.).

(M) The plaintiff received a notice

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dt.13.12.1985 (Exh.G) From Addl. Dist. Dy.Collector (BSD) Andheri stating therein that the land bearing CTS No.127 and 127/1 was being unauthorisedly used since 1950 for non-agricultural purpose. However, the plaintiff trust vide their letter dt.20.1.1986 (Exh.H) denied the allegations as false. The servant quarter on the land were exempted from the N.A.assessment vide Revenue Department's letter dt.21.7.1959 and Collector's order dt.26.10.1959(Exh.I). The Dy.Secretary, Finance Department also exempted all lands and buildings of the Trust from Urban Immovable Property Tax vide his letter dt.9.4.1953 (Exh.J).

(N) The plaintiff Trust subsequently filed an Appeal vide their letter dt.24.3.1988 (Exh.J-2) to the Superintendent and Land Records, B.S.D.Mumbai and prayed for declaration that the plaintiffs are the holder/occupants of the properties in question and direct the City Survey Officer to show the name of the plaintiffs as the holders after

deleting that of the State Government and for making consequential change in all relevant City Survey Records including Property Card. But the Superintendent, Land Record observed that remedy is not appeal before him, but the plaintiff should approach to the Collector, B.S.D. who can correct the records. The Superintendent is the custodian of the Revenue/Survey Records.

(O) the plaintiff Trust wrote a letter dt.19.4.1991 (Exh.J-2) to the Collector B.S.D.Mumbai and requested to correct the relevant Revenue - City Survey Records by deleting the words "Sarkari Akari Padit" appearing in the Kabjedar's column and by inserting the name of the plaintiff Trust as the Holder in property Card and for correction of all relevant Revenue/City Survey Record.

(P) The Superintendent of Land Records decided the Appeal bearing No.LNDSR/100/Sam Ka.Na.Bhu A-88 vide his order dt.15.11.1991 (Exh.J-3) thereby he confirmed the decision of 1967 of the Enquiry Officer, but he advised the

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plaintiffs to take action for correction of 7/12 record and thereafter to refer to City Survey Officer for correction of their records and rejected the plaintiff's appeal.

(Q) The plaintiff further wrote a reminder letter dt.17.2.1993 (Exh.J-4) to the Collector, B.S.D. giving reference to its earlier letter dt.19.4.1991.

(R) It is the case of plaintiff that they had constructed a chawl (servants' quarters) on the said land in February, 1953. The photographs of this structure and of writing on stone laid on the wall of the chawl are evidence of this fact. So far land bearing CTS No.128(but also forming part of S.No.3/73), the Government had sought to allot the said property to a third party Sushila Co-operative Housing Society (of Police Officers) and therefore Government wanted to carry out survey of the said property. The plaintiff therefore filed a suit bearing BCCC Suit No.1169/1993 in City Civil Court and obtained injunction.

(S) The plaintiffs further submit that they

are in possession of 7/12 extracts as of 21st October 1983 and 16th April 2002, Hakka Che Patrak 6/12 dated 11.1.1967, Property cards for CTS No.127, 127-1 and 128, Extracts from Akar Phod Patrak and extract from enquiry register wherein the plaintiff's name is shown in the other rights column as the occupant. All these documents are at Exh.'K' colly.

(T) On 22nd March 2002 they received a notice regarding CTS No.127-1 from the office of Collector stating therein that the suit land is used by the plaintiffs unauthorisedly and directed the plaintiffs to attend their office at 2.00 p.m. on 28th March 2002 to show cause as to why they should not be evicted. The plaintiffs replied thereto vide letter dated 27th March, 2002 stating the true and correct facts. Copies of these letters are at Exh.'L' colly.

(U) The plaintiffs further received another notice dt.31st July 2002 in respect of CTS No.127 and 127A from the City Survey Officer and stating that why plaintiff's name should

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not be struck off from the column "other rights" since the said land bearing CTS No.127 and 127-A belongs to the Government of Maharashtra and directed the plaintiffs to attend their office at 3 p.m. on 19th August, 2002. The plaintiffs replied recording that the time of notice was short. The plaintiff also placed on record the true and correct facts. The plaintiffs filed written submissions before the City Survey officer on 29th November, 2002. The copies of letters and written submissions are at Exh.'M' colly. The plaintiff took some time to file additional documents.

(V) The plaintiffs were advised that because of earlier order passed in favour of the plaintiffs, the plaintiff should file appropriate suit for declaration of their possession in respect of their right title and interest and consequently possession and not to disturb their possession in respect of the said land and not to continue to prosecute with the enquiry before the City Survey Officer till this suit is decided.

(W) According to the plaintiffs, they claim that they are owners and in actual physical possession of the said property for the last 115 years. The trust has title under which they have been put in possession. The plaintiffs have all documentary evidence in support of their claim. They are using the said land for charitable and social objectives. That for the protection of the land they have put up a wall with barbed wire above the wall fencing around the property. The wall is put up on the larger property of the plaintiffs including the subject land and the other land owned by the plaintiffs being land bearing CTS Nos.127, 127-1, 128, 126, 146-1 to 7, 138, 140, 143, 165/9, in all admeasuring about 20 acres. None can enter into the property save and except with the permission of the plaintiffs. the plaintiffs have their security at the entrance and as such only authorised persons are allowed to enter into the said property.

(X) The defendants have never entered upon the said land of the plaintiffs and have no