

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

WRIT PETITION NO. 2382 OF 2015

Baburao S/o Kerba Landge ... Petitioner

Versus

Smt. Dwarkabai W/o Vithalrao Hiwale
& others ... Respondents

.....
Mr. P.N. Kalani , Advocate for petitioner
Mr. K.M. Suryawanshi, AGP for respondent Nos. 2 & 3
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 9th MARCH, 2015

PER COURT :

1. I have heard the learned Advocate for the petitioner.
2. RCS No. 13 of 2014 is pending before the Trial Court between the petitioner defendant and the respondent No. 1 plaintiff.
3. Issue in this petition is in relation to the mutation entry as regards the suit property in RCS No. 13 of 2014.
4. The petitioner is aggrieved by the refusal of interim protection to the existing mutation entries by the impugned order

dated 29-12-2014 passed by the Additional Divisional Commissionr, Aurangabad Division, Aurangabad.

5. Learned AGP on behalf of respondent Nos. 3 & 4 submits that the mutation entries are meant only for fiscal purposes. They do not decide the right, title or interest of the litigating sides. He further submits that the petitioner can pursue the revision pending under Section 257 of the Maharashtra Land Revenue Code, 1966 before the Additional Divisional Commissioner, and the same could be decided.

6. Apparently, Civil Proceedings are pending between the parties. Revision is also pending before the revisional authority. An interlocutory order is questioned in this petition. The law laid down by this Court in the case of *Shrikant R. Sankanwar & others Vs. Krishna Balu Naukudkar, reported at 2003, (3) BCR 45* is squarely applicable to this case.

7. In the light of the above, ends of justice would be met by granting liberty to the petitioner to seek an expeditious hearing of the revision petition case No.ROR/Rev/287/2014/P pending before the Additional Divisional Commissioner, Aurangabad.

8. As such, this petition is disposed off. The learned Additional. Divisional Commissioner shall decide the revision petition on its own merits. The petitioner is at liberty to request for an early hearing before the Additional Divisional Commissioner. Needless to state, any alteration in the mutation entries during the pendency of the RCS No. 13 of 2014, shall be subject to the result of the said proceedings in the light of the *Shrikant R. Sankanwar* judgment (supra).

9. The Revisional authority shall decide the revision without being influenced by its observations in the impugned order.

(**RAVINDRA V. GHUGE, J.**)