

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

LETTER PATENT APPLICATION ST/24998/2012
IN
WRIT PETITION NO. 4813/1997

KASHINATH MOTIRAM PATIL
VERSUS
SAHEBRAO RAOJI PATIL AND ORS

...

Advocate for Appellant: Mr. Choudhari N. L.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 12th March, 2015.

PER COURT :

1) Appellant is taking an exception to the order passed by learned Single Judge in Writ Petition No. 4813/1997 decided on 14.07.2009. The matter relates to recording of name in the mutation record maintained by the Talathi. In paragraph 6 of the order, the learned Single Judge has observed thus, -

"6.In the result, the impugned judgment and order of the learned Additional Commissioner is quashed. The mutation entry No. 788 be restored with further clarification that the same will be subject to change as per the decision of the Tenancy Tribunal and that the

Talathi will be at liberty to record name of the Respondent No.1 in the appropriate register maintained in form No.III, i.e. Register of disputed cases. The further clarification in this behalf is that the name of the petitioners is to be recorded only in the crop cultivation column and the record of rights as per the transfers effected by the Respondent No.2 and it will not be indicative of final opinion as regards their lawful rights as such. The tenancy rights of the Respondent No.1 may be considered appropriately and the observation made herein be not taken into account while deciding the issue of tenancy. Rule made absolute accordingly."

2) Considering the fact that the learned Single Judge has taken all precautions in directing that the mutation entries, those would be corrected shall be subject to change in accordance with the decision of the Tenancy Tribunal and that such entries are not indicative of ownership rights or title and that revenue entries are recorded only for fiscal purposes sufficiently safeguards the interest of the appellant, no interference is required to be caused.

3) The appeal is devoid of substance and hence stands dismissed. Pending civil application, if any, stands disposed of.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/