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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9673 OF 2014

Narsing Ramkrishna Patil and another. ..Petitioners
-*Versus*-
Sudhir Keshavrao Patil and others. ..Respondents

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Mr.V.D.Salunke, Advocate h/f Mr.Manish P. Tripathi, Advocates for the Petitioners.
Mr.R.N.Dhorde, Senior Advocate a/w Mr.V.S.Undre, for the Respondent Nos.1 and 2.
Mr.V.G. Shelke, AGP, for the Respondent Nos.5 to 10.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 28th January, 2015

Per Court:

1 I have heard Mr.V.D.Salunke, learned counsel appearing for the Petitioners and Mr.R.N.Dhorde, learned Senior Counsel appearing on behalf of the Respondent Nos.1 and 2.

2 The issue raised is as regards Mutation Entry No.17049 which was sanctioned in favour of the Petitioners herein in respect of the land Survey No.115/2 admeasuring 2 H & 11 R situated at Osmanabad.

4 The Petitioners claim to have purchased the said land from

Prafulla Vitthal Mehtre vide a registered sale deed dated 30.04.2011, whereas the Respondent Nos.1 and 2 also claim to have purchased the same property through the General Power of Attorney Holder of Mr.Prafulla Vitthal Mehtre on 17.01.2011.

5 The Additional Collector has delivered the judgment dated 31.07.2014.

6 The Respondent Nos.1 and 2 preferred a Revision Petition before the Additional Commissioner. By an order dated 13.08.2014, status-quo was granted by the Additional Commissioner.

7 The Respondent Nos.1 and 2 filed an appeal before the Honourable Minister for Revenue who has stayed the judgment of the Additional Collector dated 31.07.2014.

8 By an order dated 03.11.2014, this Court has directed the Talathi not to proceed pursuant to the impugned notice dated 19.09.2014.

9 The litigating parties state that the Regular Civil Suit No.512 of 2012 instituted by the Petitioners is pending adjudication before the learned Civil Judge Junior Division, Osmanabad.

10 In the light of the peculiar facts as recorded above, it would be in the interest of the litigating parties that Revision Petition No.273/2014 pending before the Additional Commissioner, Aurangabad is decided.

11 In the light of the above and taking into consideration the order passed by the Honourable Minister for Revenue dated 21.08.2014 staying the judgment of the Additional Collector dated 31.07.2014 and the status-quo order passed by the Additional Commissioner dated 13.08.2014, the said proceedings before the Honourable Minister for Revenue stand disposed of since I am relegating the parties to the Additional Commissioner, Aurangabad for deciding Revision Petition No.273/2014.

12 In such circumstances this Writ Petition is disposed of with the following directions:-

(a) The proceedings before the Honourable Minister for Revenue initiated by the Respondent Nos.1 and 2 stand disposed of.

(b) Revision Petition No.273/2014 pending before the Additional Commissioner, Aurangabad shall be decided by the said Authority as expeditiously as possible and preferably on or before 30.04.2015.

(c) Since the proceedings are now posted before the Additional Commissioner, Aurangabad on 17.02.2015, the litigating parties shall cooperate for the expeditious disposal of the said Revision Petition as directed above.

(d) Till the decision in the Revision Petition, the litigating parties shall maintain status-quo as existing today with regard to the Mutation Entry at issue.

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