IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6926 OF 2008
WITH
CIVIL APPLICATION NO. 760 OF 2015

VITHAL GITARAM GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Applicant : Shri Indani Madanlal S.
AGP for Respondents 1 to 3 : Shri Bhogle U.H.
Advocate for the Respondent 8 : Shri Choudhary A.D.
h/f Shri Choudhary D.J.
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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 23, 2015
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ORDER :-

1. Civil Application No.760 of 2015 is on board today. Writ Petition is admitted.

2. After hearing the learned Advocates for the respective parties, I find that the controversy involved in this petition would be resolved by hearing the Writ Petition along with the Civil Application The learned Advocates have, therefore, consented for the hearing of this petition itself.

3. The applicant / petitioner in the application has prayed for fixing the Writ Petition for final hearing. Exhibit 58 filed by the petitioner / plaintiff in RCS No. 223 of 2005, which has been rejected by the impugned order dated 20.11.2010. Prayer was made by the petitioner for adding the District Collector, Beed and the Tahsildar of Gevrai, District Beed as necessary defendants. Similarly, subsequent events were sought to be

placed on record through application Exhibit 58 filed under VI Rule 17 of the CPC. Order on Exhibit 58 is not challenged.

4. In the Writ Petition, the petitioner has sought to challenge the mutation entry No.2956 dated 29.7.2008 and the communication from Tahsildar, Gevrai to the Circle Officer, Umapur, dated 25.6.2010.

5. In so far as the impugned mutation entry is concerned, the same pertains to entries made by Revenue Officers in the revenue records. The Regular Civil Suit 223 of 2005 is for a declaration as regards the title of the plaintiff over the suit property and for removal of encroachment alleged to have been committed by the defendants.

6. This Court, in the case of **Shrikant R. Sankanwar and others Vs. Krushna Balu Nowkundhar [2003 (3) BCR 45]** has crystallized the law that revenue entries are only for fiscal purposes and do not decide or conclude the title or ownership of any individual. The judgment of the Civil Court would bind the revenue officers and all revenue entries shall be subject to the decision of the Civil Court, wherein, the right, title and interest of an individual can be established. As such, the impugned mutation entry No.2956 shall be subject to the result of RCS No.223 of 2005.

7. In so far as the Civil Application is concerned, though the order below Exhibit 58 has been placed on record, the petitioner has not preferred to challenge the same in this application. The Civil Application

was filed only for fixing the Writ Petition for final hearing.

8. In the light of the above, the Writ Petition is disposed off. The learned trial Court shall decide RCS No.223 of 2005 as expeditiously as possible and preferably on/or before 31.10.2015. Litigating parties shall cooperate with the trial Court for the expeditious disposal of the suit and shall not seek adjournments on unreasonable grounds. Rule is accordingly discharged.

9. Civil Application, therefore, stands disposed off.

(RAVINDRA V. GHUGE, J.)

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