

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

WRIT PETITION NO. 9620 OF 2014

Rahim Khan S/o Manan Khan ... Petitioner

Versus

The State of Maharashtra
& others ... Respondents

.....
Mr. G.R. Syed , Advocate for petitioner
Mr. D.R. Korde, A.G.P. for respondent No. 1
Mr. S.A.P. Kadri, Advocate for respondent No. 2
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 17th FEBRUARY , 2015

PER COURT :

1. On 03-11-2014 I have passed the following order :-

“1. Issue pertains to a mutation entry. Proceedings before the Civil Court are pending in relation to the Rent Suit No. 21/201, wherein issue of ownership and title as well right to claim rent is being gone into. In the light of the judgment of this Court in the case of *Shrikant R. Sankanwar and others Vs. Krishna Balu Nowkundhar, 2003 (3) BCR 45*, the conclusions drawn by the Civil Court in substantive civil proceedings will bind the Revenue Authorities and not vice-versa.

2. Issue notice before admission to the respondents, returnable on 19-11-2014. Learned A.G.P. waives service on behalf of respondent No. 1. Hamdast for respondent No. 2 allowed.”

2. Shri S.A.P. Kadri, learned Advocate appears on behalf of respondent No. 2.

3. Since substantive proceedings (Rent Suit No. 21 of 2011) wherein the issue of ownership, title as well as right to claim rent is being gone into, Shri Syed learned Advocate for the petitioner submits that the parties have already advanced final oral submissions in the matter and as such the issue as regards ownership and title would be decided in the said proceedings.

4. Shri Kadri, learned Advocate submits that in the light of the pendency of Rent Suit No. 21 of 2011 this petition need not be entertained.

5. Since this Court has already taken a view in the matter of *Shrikant R. Sankanwar and others Vs. Krishna Balu Nowkundhar* 2003 (3) BCR 45, this petition is disposed off with the observations that the conclusions drawn by the Civil Court in substantive civil proceedings will bind the Revenue authorities. Petition is accordingly disposed off.

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