

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAM) NO.8521 OF 2015

Shri. Mahadev Babu Gaikwad

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri. Umesh H. Pawar, for the Petitioner.

Ms. M. S. Bane, 'B' panel Counsel.

CORAM : R.M. SAVANT, J.

DATE : 21st APRIL, 2015

PC.

1. At the outset, the Learned Counsel for the Petitioner seeks leave to amend so as to correct the date of the impugned order mentioned in prayer clause (b). He seeks substitution of th date “30.09.2010” by the date “10.06.2014” which is the date mentioned in prayer clause (c). Leave granted. Amendment to be carried out forthwith. The Learned Counsel for the Petitioner also seeks substitution of “Exh.-B” by a complete copy thereof. Leave granted. Amendment to be carried out in the course of the week.

2. The Writ Jurisdiction of this Court is invoked against the order dated 10.06.2014 passed by the State Government i.e. the Hon'ble State Minister for Revenue, by which order the Appeal filed by the

Respondent No.5 herein came to be allowed and resultantly, the order passed by the Deputy Director of Land Records came to be set aside. The Petitioner and the Respondent No.5 are brothers and the dispute is in respect of the entry made in respect of CTS No.1616 to the extent of half share therein made in favour of the Respondent No.5 herein. It seems that the TILR had passed an order rejecting the application made by the Respondent for entering his name to the half share in the said plot of land. The said order was challenged by the Respondent before the Superintendent of land Records who by his order dated 23.01.2012 allowed the Appeal. The Petitioner aggrieved by the order passed by the Superintendent of Land Records challenged the same by further Appeal before the Deputy Director of Land Records, Pune. The Deputy Director of Land Records, Pune by his order dated 17.01.2013 allowed the Appeal and set aside the order passed by the Superintendent of Land Records allowing the Appeal. The order passed the Deputy Director of Land Records was taken exception to by the Respondent No.1 by filing a Revision before the State Government. The said Revision came to be allowed and the order dated 17.01.2013 passed by the Deputy Director of Land Records came to be set aside. The Revisionary Authority i.e. the Hon'ble Minister of State for Revenue has observed in the order that the orders passed by the authorities below have not taken into consideration the fact that the

property in question is a joint family property. The Revisionary Authority also referred to the fact that the parties should adopt civil proceedings in the last paragraph of its order. As indicated above, the dispute relates to the entry made in favour of the Respondent No.5 to the extent of half in the said plot of land bearing CTS No.1616. It is well settled that the entries made in the revenue record are only for fiscal purposes and it is in the civil proceedings that the rights of the parties are to be adjudicated. Since it appears that the civil proceedings have already been filed, it would be in the said proceedings that the rights of the parties would be decided. In any event, if the said civil proceedings are not pending or are not filed, it is open for the Petitioner to assert his rights by filing appropriate proceedings. With the aforesaid observations, the Writ Petition is dismissed.

[R.M. SAVANT, J]