

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10657 OF 2014

Shripati Dnyanu Tagare and ors.

.. Petitioners

vs.

Chairman, Nandani Bhajipala
Phalfalaval Utpadak Sahakari
Sangh Maryadit, Nandani Taluka
Shirol, Dist. Kolhapur and ors.

.. Respondents

Mr. Amit Shete for the Petitioners.

Mr. Manoj Patil for Respondent No.1.

Mr. S.D. Rayrikar, AGP for Respondent Nos.2 to 5.

CORAM : M. S. SONAK, J.

DATE : 4 MARCH, 2015.

P.C. :-

1] The challenge in this petition is to the order dated 27 August 2014 made by the Secretary and Officer on Special Duty (Appeals) under the provisions of the Bombay Prevention of the Fragmentation and Consolidation of Holdings Act, 1947 (said Act)

2] It is the case of the petitioners that the consolidation and fragmentation was approved wayback in the year 1968. Further the same was at the instance of the petitioners, corrected in the year 1994. However, since the procedure under Section 31A of the said Act was not being complied with, the petitioner has instituted Writ Petition (St.) No.26466 of 2014 in this Court.

3] In the meanwhile, it is the case of the petitioners that entries in revenue records ought to abide as per the correction effected in the year 1994. By the impugned order, such plea of the petitioner has been turned down.

4] It is not necessary to entertain this petition. This is because, it is settled position that entries in revenue records are not determinative of title. Besides, the petitioners have already instituted a substantive Writ Petition (St.) No.26466 of 2014. Depending upon the outcome of the same, it is always open to the parties to apply to the revenue authorities, for the purposes of effecting mutation.

5] With the aforesaid observations, present petition is disposed of. There shall be no order as to costs.

(M. S. SONAK, J.)

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