

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10415 OF 2015

Amarsingh K. Deshmukh and ors. .. Petitioners
vs.
The State of Maharashtra and ors. .. Respondents

Mr. Anand Patil for the Petitioners.
Mr. S.D. Rayrikar, AGP for Respondent No.1.
Mr. Mithun Mahajan for Respondent Nos.2 to 13.

CORAM : M. S. SONAK, J.
DATE : 19 OCTOBER 2015.

P.C. :-

- 1] Not on board. Upon production, taken on board.
- 2] Heard learned counsel for the parties.
- 3] There is no reason to interfere with the impugned orders, because same relate to the entries in revenue record. It is settled position in law that the issues of title cannot be determined on basis of entries in revenue record. That apart, the dispute as to title is pending in this Court in Second Appeal No. 563 of 2003.
- 4] The learned counsel for the Petitioners, however, points out that there has been a stay operating in favour of the Petitioners, until the disposal of the Revision Application. He points out that stay was granted by this Court during pendency of disposal of Revision

Application. The learned counsel for the Petitioners expresses his apprehension that the Respondents, on the basis of impugned orders, might alter the *status quo* or create third party rights in respect of the suit property is concerned.

5] The Respondents have instituted Second Appeal No. 563 of 2003, because the First Appeal Court had held in favour of the Petitioners. No doubt, this Court has granted stay in the Second Appeal No. 563 of 2003.

6] Considering the aforesaid circumstances, it will be appropriate to direct that in case the Respondents intend to alter the *status quo* or create any third party rights insofar as the suit property is concerned, they shall not do so until they obtain leave of this Court in Second Appeal No. 563 of 2003. Such a direction will protect the rights of both the parties.

7] With the aforesaid directions/observations, this petition is disposed of.

8] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)