

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2263 OF 2014

Ramrao Bapu Kale and Ors.] ... Petitioners

Versus

State of Maharashtra, Through the]
Minister of Revenue and Forest, and Ors.] ... Respondents

Mr. Nikhil Wadikar for Petitioner.
Mr. S. D. Rayrikar, A.G.P., for Respondent No.1.
Mr. V. S. Talkute for Respondent Nos.2 and 3.

CORAM :- M. S. SONAK, J.
DATE :- DECEMBER 09, 2015

P. C. :-

1. The challenge in this petition is to the order dated 23/09/2013 made by the Minister (Revenue), allowing the revision petition instituted by some of the respondents and setting aside the order made by the Commissioner dated 12/12/2011 by which the Commissioner has remanded the matter to the Collector.

2. The learned Counsel for petitioner pointed out that in pursuance of the remand order made by the Commissioner, the Collector has once again decided the matter. Therefore, the Minister (Revenue) ought not to have made the impugned order.

3. At this stage, there is no necessity to entertain the present petition. This is because the petitioner has already instituted Special Civil Suit No.194 of 2014 before the Court of Civil Judge Senior Division at Satara. In the suit, the petitioner has prayed for relief of injunction on the basis of his title to the suit property. Implicit in such a suit is the declaration as to title. In any case, the petitioner is at liberty to apply for amendment specifically seeking a declaration if he chooses to. It is settled position in law that mere entries in revenue records are not determinative of the title of the party. Therefore, there is no necessity to entertain the present petition. It is, however, clarified that the Civil Court is to decide the civil suit on its own merits and in accordance with law without being in any manner influenced by the various orders made by the revenue authorities, including the order impugned in this petition. The Civil Court need not be influenced by the circumstance that this petition is not being entertained by this Court.

4. With the aforesaid observation, this petition is disposed of. There shall be no order as to costs.

5. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)