

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION (ST) NO. 3384 OF 2015

Sanjeev Pundalik Argade

.. Petitioner

Vs.

Rakhmabai Vithoba Pagar & Anr.

.. Respondents

Mr. Sachin Gite for the Petitioner.

Mr. R. N. Gite for Respondent Nos.1 & 2.

CORAM : M.S.SONAK, J.

DATE : 10th DECEMBER, 2015.

P.C.

1. The challenge in this petition is to the order dated 27.05.2014 made by the Minister (Revenue) allowing the respondent's appeal and setting aside the order dated 02.04.2008 made by the Additional Commissioner, Nashik.

2. Learned Counsel for the petitioner contends that the revision petitioner before the Minister (Revenue) was not alive when the impugned order came to be made. This position is disputed by the learned Counsel for the respondent, who states that the revision petitioner expired after the date of conclusion of hearing.

3. There is no necessity to entertain the present petition because the dispute between the parties relates to entries in revenue records. It is settled position that mere entries in the revenue records are not determinative of the title of the parties, if any, to the properties in question. That apart, the petitioner has already instituted Regular Civil Suit No. 95 of 2015 in the Court of Civil Judge Junior Division at Yeola in order to assert his civil rights and title to the suit property. It is made clear that the Civil Court

is to decide the said civil suit on its own merit and in accordance with law, without in any manner being influenced by order made by the Minister under the provisions of the Maharashtra Land Revenue Code. It is made clear that the Civil Court need not be influenced by the circumstances that this petition is not being entertained by this Court. All contentions of all parties in the said civil Suit are expressly kept open.

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

(M.S.SONAK, J.)