

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
WRIT PETITION NO.3782 OF 2014

Shri Rajaram Vithu Chaudhari	..	Petitioner
Vs.		
Shri Sanjay Baburao Chaudhari and Ors.	..	Respondents

.....

Mr. Anilkumar Patil for the Petitioners.
Mr. R.S.Apte, Senior Advocate i/b. Mr.Mandar Limaye for Respondents.

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CORAM : M.S.SONAK, J.
DATE : 8th DECEMBER, 2015.

P.C.:

1. The Challenge in this petition is basically to the order by which the Sub Divisional Officer has remanded the proceeding to the Tahsildar for fresh consideration. The learned Counsel for petitioner has pointed out that there was considerable delay and therefore, such remand order ought not to have been made.

2. There is no dispute that the Respondent (one branch) has already instituted Special Civil Suit No. 184 of 2011 before Civil Judge Senior Division at Kalyan and the petitioner has also instituted Regular Civil Suit No. 192 of 2013 before the same court. Therefore, suits are pending, in which the respective parties have put forthwith their claims based on title to the suit property. It is settled position in law that mere entry in revenue rights neither create nor destroy title, if any, vested in the parties. Accordingly, there is no reason to entertain this petition, particularly when the parties have rightly resorted to proceeding before the Civil Court for

adjudication of all the issues between them, including in particular, issues as to title. It is however clarified that the Civil Court shall decide the said Special Civil Suit No. 184 of 2011 on the merits and in accordance with law without being influenced by the order made by the revenue authorities or by the circumstances that this court has not entertained the present petition.

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

(M.S.SONAK, J.)