

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9484 OF 2014

Anil Bhanudas Kawade & Anr. .. Petitioners
VS.
Bhanudas Pandurang Kawade & Ors. .. Respondents

WITH
WRIT PETITION (STAMP) NO. 26794 OF 2014

Baliram Pandurang Kawade .. Petitioner
VS.
Bhanudas Pandurang Kawade & Ors. .. Respondents

Mr. P. G. Lad for Petitioner in WP 9484 of 2014.
Mr. P. G. Lad i/b. Ms Aparna Muralidharan for Petitioner in WP (ST) 26794 of 2014.
Mr. Uday Warunjikar for Respondent No.1 in both Petitions.
Ms Aparna Vhatkar – AGP for Respondent Nos. 4 to 6 in WP 9484 of 2014.
Ms Vaishali Nimbalkar – AGP for Respondent Nos. 4 to 7 in WP (ST) 26794 of 2014.

CORAM : M. S. SONAK, J.
DATE: 03 MARCH 2015

P.C. :-

1] These two petitions challenge the order dated 27 August 2014 made by the Minister (Revenue) in relation to entries in survey records.

2] The petitioners made a grievance that though they had filed their written submissions within the time prescribed by the revisional

authority, the same have not been considered. Although there is some merit in this submission, the perusal of the impugned order further records that the submissions made by and on behalf of the petitioners before the Superintendent of Land Records have been taken into consideration. There is no appreciable difference between the submissions made before the Superintendent of Land Records and the revisional authority.

3] Be that as it may, it is settled position in law that entries in revenue records are not determinative of the title of the parties to the suit property. Accordingly, for this reason itself, it is not necessary to entertain the present petitions.

4] The learned counsel for the petitioners, upon instructions from the petitioner, who is present in the Court today, states that the petitioner shall institute a civil suit before the appropriate Court, in order to assert rights in respect of the suit property. If such civil suit is instituted, then the same shall be considered by the civil court uninfluenced by the impugned orders as also the circumstance that these petitions have not been entertained by this Court.

5] Further, for a period of six weeks from today, the parties are directed to maintain *status quo* in respect of the suit property. It is

clarified that such order of *status quo* has not been made by advertent to the merits of the matter. Accordingly, it shall be for the civil court to decide in accordance with law and on its own merits whether any continuation of such orders is necessary or not.

6] It is further clarified that this Court has not expressed any opinion on the merits of the matter and all contentions of all parties are left open for decision by the civil court, in case the petitioners institute a civil suit with regard to their claim title to the suit property or for any other reliefs in relation to the suit property.

7] With the aforesaid observations, present petitions are disposed of. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka