

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10876 OF 2014

|                                   |    |             |
|-----------------------------------|----|-------------|
| Dattaram Baliram Kshatriya & Ors. | .. | Petitioners |
| VS.                               |    |             |
| Ashok Bhogilal Patani & Ors.      | .. | Respondents |

Mr. Rameshwar Gite for Petitioners.  
Ms Lalita Panchakshari for Respondent No. 1.  
Mr. S. D. Rayrikar – AGP for Respondent No. 3.

**CORAM : M. S. SONAK, J.**  
**DATE : 18 FEBRUARY, 2015**

**P.C. :-**

1] The challenge in this petition is to the order dated 13 August 2014 made by the Secretary and OSD (Appeals), by which the revision petition instituted by the respondents has been allowed and the orders made by the SDO and the Collector in favour of the petitioners concerning entries in survey records have been set aside.

2] It is settled position in law that entries in survey records are not determinative of title of the parties to the suit property. If there is any dispute with regard to title as well as matters connected therewith, then it is appropriate that the parties institute civil suits in the appropriate civil courts.

3] In view of the aforesaid, it is not necessary to interfere with the impugned order, even though there is *prima facie* merit in the submission of the learned counsel for the petitioners that the revisional authority ought not ordinarily embark upon re-appreciation of evidence, unless it is found that findings of fact recorded by the two fact findings authorities suffer from perversity.

4] Be that as it may, in the peculiar facts and circumstances of the case, the petitioners are at liberty to institute a civil suit for the purposes of establishing their rights in the suit property. For a period of eight weeks from today, the authorities shall maintain the *status quo* with regard to entries in the survey record.

5] It is made clear that this Court has not expressed any opinion on the merits of the matter. All contentions and issues of all parties are left open for adjudication by the civil court.

6] With the aforesaid observations, the present petition is disposed of. There shall be no order as to costs.

**(M. S. SONAK, J.)**