

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.22 OF 2015

Smt. Ranjana Siddheshwar Bansode.] ... Petitioner

Versus

The State of Maharashtra, Through the]
Department of Revenue and Ors.] ... Respondents

Mr. D. A. Athavale for Petitioner.

Ms. M. S. Bane, A.G.P., for Respondent Nos.1 to 5.

Mr. Rahul Kadam for Respondent No.6.

CORAM :- M. S. SONAK, J.

DATE :- OCTOBER 01, 2015

P. C. :-

1. By the order dated 04/03/2009, the Sub-Divisional Officer, Baramati, in R.T.S. No.10 of 2008, ordered mutation of survey entries. As against the same, the Petitioner instituted R.T.S. Appeal No.155 of 2009 which has since been dismissed by the Additional Collector, Pune, on 30/08/2010. The Petitioner carried the matter before the Additional Commissioner, Pune, vide Revision Application No.614 of 2010. The same came to be dismissed by order dated 20/05/2013. The Petitioner further instituted a Revision Application being R.T.S. Revision No.663 (04)/2014 before the Minister of Revenue, State of Maharashtra, which has been dismissed by the order dated 26/09/2014.

2. The Petitioner has already instituted Special Civil Suit No.438 of 2013 before the Civil Judge Senior Division at Baramati seeking a declaration that she is the owner in respect of suit property. The suit is pending consideration before the Civil Judge Senior Division at Baramati.

3. There is no reason to entertain the present petition, particularly because the same relates to mutations in survey records. It is settled position in law that entries in survey records are not determinative of the title of the party to the suit. Therefore, the Civil Court which seized of the substantive suit instituted by the Petitioner will decide the same on its own merits and in accordance with law without in any manner being influenced by the orders made by the revenue authority which are impugned in the present petition. Similarly, the Civil Court, will also not permit itself to be influenced by the circumstance that this petition is not being entertained by this Court. All the issues raised by the Petitioner as well as the defences raised by the Respondents will be adjudicated upon and decided by the Civil Court in accordance with law and on their own merits.

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

(M. S. SONAK, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Order.