

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 372 OF 2015

Smt. Bakulabai Namdev Kalbhor & Ors. .. Petitioners
vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Abhay Anturkar for Petitioners.
Ms Gauri Rao - AGP. for Respondent Nos. 1 and 2.

CORAM : M. S. SONAK, J.
DATE : 12 FEBRUARY, 2015

P.C. :-

1] This petition questions order dated 9 October 2013 made by the Sub Divisional Officer, Haveli, Pune declining to interfere with mutation entries in survey records effected almost 35 years ago on the grounds of delay.

2] The learned counsel for the petitioners submits that this is not a case of mere delay rather than this is a case where the mutation was effected by means of fraud. The learned counsel submits that fraud vitiated even the most solemn of proceedings and this aspect has not even been considered by the SDO in making the impugned order.

3] Having considered the aforesaid submissions and perused the record, it transpires that the petitioners have already instituted

Regular Civil Suit No. 4004 of 2012 before the civil court, which is pending adjudication. It is undoubtedly open to the petitioners to raise all such contentions in the said civil suit, particularly since the same would be substantive in nature. It is well settled that mere entries in revenue records are not at all determinative of title. For these reasons, it is not necessary to entertain the present petition.

4] However, it is clarified that neither the impugned order nor the non entertainment of the present petition should influence the civil court in adjudication of the issues in the civil suit instituted by the petitioners. The civil suit should be decided expeditiously and in accordance with law on its own merits.

5] It is clarified further that this Court has not expressed any opinion on the merits of the matter. Accordingly all issues are left open for decision 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.)