

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 535 OF 2016**

Shivaji S/o Narayan Kade and another .. Petitioners

**Versus**

The State of Maharashtra and others .. Respondents

Shri S. G. Dodya, Advocate for Petitioners.

Shri V. H. Dighe, A. G. P. for Respondent Nos. 1 to 3.

Shri S. A. Dhengle, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA, J.**

**DATE : 22ND MARCH, 2016.**

**PER COURT :**

. The order of the Revisional Authority remanding the matter back is assailed.

2. Mr. Dodya, the learned counsel for petitioners submits that, the only reason for remanding the matter back to the Tahsildar is that the original owner from whom the petitioners have purchased the property his statement is not recorded. According to the learned counsel the original owner who has executed sale deed in favour of petitioners has filed the affidavit accepting that he has sold the land to the present petitioners. According to the learned counsel the respondent No. 4 claims to be a tenant. He does not dispute the ownership of the present

petitioners or their predecessor-in-title. In such a case at the most the respondent No. 4's name can be included in other rights column, but would not be concerned with the ownership column. The learned counsel submits that, even respondent No. 4 has not shown that he is a protected or has any legal right. The learned counsel submits that, there is no purpose of remanding the matter back.

3. The learned A. G. P. and the learned counsel for the respondent No. 4 support the order.

4. The entries in the revenue record are only meant for fiscal purposes. The civil suit filed by the respondent No. 4 for injunction is pending. There is some compromise decree. The Additional Collector and the Additional Commissioner have passed an order wherein directions are given to the Tahasildar to consider all the relevant aspects of the matter as are detailed in the order. The Reivisional Authority nor the Appellate Authority has determined or adjudicated the rights of the parties. The petitioners are also having opportunity to bring it to the notice of the Authority, the contention raised by them and about the rights of the present petitioners and their predecessor-in-title. The matter is not finally adjudicated. The petitioners have also been given opportunity to put forth their case before the Tahsildar which Tahsildar certainly would consider.

5. In light of the above, the writ petition is disposed of. No costs.

6. The status quo with regard to the mutation entry in the ownership column be maintained till the disposal of the proceedings by the Tahsildar.

**[ S. V. GANGAPURWALA, J. ]**

bsb/March 16