

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.984 OF 2015

Sou. Nandini Vilas Kadam and Anr.] ... Petitioners

Versus

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

Mr. Ajay A. Joshi for Petitioners.

Mrs. M. S. Bane, 'B' Panel Counsel for Respondent nos.1 and 5 to 7.

Mr. B. G. Ligade for Respondent No.2.

CORAM :- M. S. SONAK, J.

DATE :- FEBRUARY 15, 2016

P. C. :-

1. The impugned order directs mutation in respect of M.E.No.4746.

2. Mr. Ajay A. Joshi, learned Counsel for petitioners points out that the petitioners have a registered sale deed in their favour and further, there was no challenge to mutation entry no.4746. The challenge, if any, was in respect of certain other mutation entries, including mutation entry no.1211. Mr. Joshi also points out that a civil suit was instituted by one of the parties which has since been dismissed for non-prosecution. He submitted that if at all any of the

parties have any grievance against mutation entry no.4766, then it is for them to institute a suit in the Civil Court.

3. Having heard the learned Counsel for parties and perused the record, in my judgment, there is no necessity to interfere with the impugned order. It is settled position in law that mere entries in revenue record are not determinative of title of the party to the suit property. Therefore, it is always open, even to the petitioners, to institute a suit and to obtain appropriate relief therein. In case, the petitioner choose to institute a suit or choose to contest pending suit, if any, it is made clear that the Civil Court shall not be influenced by any of the orders made by the revenue authority in relation to the mutation entry. The Civil Court will also not to be influenced by the circumstance that the present petition is not being entertained. In fact, all rights and contentions of all parties on the aspects of title, possession, etc. are left open to be determined by the competent Civil Court.

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

(M. S. SONAK, J.)