

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9204/2016

Shri Khwajasaheb Sultan Patil

.. Petitioner
(Original Applicant)

Vs.

Shri Mustafa Babasaheb Sharikmasalat & Ors.

.. Respondents
(Org. Opponents)

Ms. Anjali Baxi for the petitioner.

Mr. A.R. Mitkari, AGP for the Respondent No.1.

.....
CORAM : M.S. SONAK, J.
DATE : SEPTEMBER 6, 2016.

P.C. :

1. The challenge in this petition is to the order dated 21.04.2009 made by the Deputy Director Land Records.

2. As against the impugned order, the petitioner has remedy of instituting a second Revision Petition before the State Government. That apart, the petition is barred by delay and laches. The impugned order is made on 21.04.2009 and this petition is instituted only on 08.02.2016. The explanation in paragraph 8 is far from satisfactory, to entertain the present petition at this point at time.

3. Further, it needs to be clarified mere entries in survey records

are not determinative title of the parties to the property in question. There are already Civil suits pending between the parties. In such suits, the issues of title are required to be decided on the basis of evidence both documentary as well as oral. In deciding the issues of title, there is no question of reference orders made by the Revenue Authorities in relation to the entries in revenue records.

4. Accordingly, it is made clear that in pending civil suits, the Civil Court to decide the issue of title, if any, uninfluenced by the impugned order made by the Revenue Authorities in relation to entries in revenue record.

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

(M.S. SONAK, J.)