

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

**WRIT PETITION NO.7994 OF 2014**

**The Life Insurance Corporation of India : Petitioner.  
Versus  
The State of Maharashtra and ors. : Respondents.**

**Mr. Ajay Khaire i/by The Law Point for the Petitioner.  
Mr. S D Rayrikar, AGP for the Respondent Nos.1 and 2  
Mr. K M Thakur for the Respondent Nos.4, 7 and 9.  
Mr. R M Pandey for the Respondent No.11.  
Mr. Milind Jadhav a/w Mr. Vasim Shaikh, Mr. V S Tiwari and Mr. Vishal  
Mishra i/by Pravin Mehta & Mithi & Co. for the Respondent No.12.**

**CORAM : R. M. SAVANT, J.  
DATE : 25<sup>th</sup> April 2016**

**P.C.**

1           The order dated 10/08/2007 passed by the then Hon'ble Minister for Revenue, Government of Maharashtra is taken exception to by way of the above Petition. The said order has been passed in RTS proceedings and concerns the Mutation Entry made in respect of the lands in question.

2           It seems that the Appeals filed by the Respondent Nos.3 to 9 herein before the Tashildar Borivali for introducing their names in the records of rights were dismissed by the Tahsildar vide his order dated 31/01/1994. Against the said order passed by the Tahsildar dated 31/01/1994, a Appeal/Revision came to filed before the Hon'ble Minister for Revenue. The

said Appeal/Revision came to be disposed by the then Hon'ble Minister vide the impugned order dated 10/08/2007 by observing that the rights of the parties would be determined in civil proceedings. It seems that a Suit being No.1338 of 1984 was filed by the Respondent Nos.3 to 9 against the Petitioner – LIC for permanent injunction thereby restraining the LIC from disturbing their possession. The said suit it seems came to be dismissed for non-prosecution, however, liberty was granted to file a fresh suit.

3           In view of the observations made by the then Hon'ble Minister for Revenue, and also considering the fact that the RTS proceedings are only concerning with the Mutation Entry, which as is trite is made for fiscal purposes, the rights of the parties undoubtedly would be decided in the civil proceedings. Hence no case for interference in the writ jurisdiction of this Court is made out with the impugned order. The above Writ Petition is accordingly dismissed. However, it would be open for the Petitioner to file appropriate civil proceedings to assert the rights that it claims qua the property.

**[R.M.SAVANT, J]**