

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3390 OF 1994

Dasa S/o. Maruti Ohal,
Died through LR.s.

i) Radhabai W/o. Dasa Ovhal,
Age. 78 yrs., Occ. Household,
R/o. Uplai, Tq. Kallam,
Dist. Osmanabad.

ii) Jambuwant Dasa Ovhal,
Age. Adult, Occ. Agri.,

iii) Janardhan Dasa Ovhal,
Age. Adult, Occ. Agri.,

iv) Ravindra Dasa Ovhal,
Age. Adult, Occ. Agri.,

All R/o. Uplai, Tq. Kallam,
Dist. Osmanabad.

v) Akkabai Anil Lagade,
Age. Adult, Occ. Household,
R/o. Indapur, Tq. Washi,
Dist. Osmanabad.

vi) Rekha Nagesh Gade,
Age. Adult, Occ. Household,
R/o. Osmanabad,
Tq. & Dist. Osmanabad.

Vii) Hirachand S/o. Dasa Ovhal,
Age. 45 yrs., Occ. Agri.,
R/o. Uplai, Tq. Kallam,

Dist. Osmanabad.

...Petitioners.

Versus

1. The State of Maharashtra.
2. Naib-Tahsildar, Kallam,
Dist. Osmanabad.
3. The Sub-Divisional Officer,
Bhoom, Dist. Osmanabad.
4. The Additional Collector,
Osmanabad.
5. Additional Commissioner,
Aurangabad.
6. Bhau S/o. Maruti Ohal,
7. Trivenabai W/o. Nana Ohal,

Both Age Major, Occ. Agriculture,
R/o. Upalai, Tq. Kallam,
Dist. Osmanabad.

...Respondents.

AGP for Respondent No. 1 to 5 : Shri N.T. Bhagat.

Advocate for Respondent No. 6 : Smt. Anjali Bajpai Dube.

CORAM : RAVINDRA V. GHUGE, J.

Dated : 13th July, 2017

ORAL JUDGMENT :

1. This petition is on the final hearing board from

04/01/2016. It has been admitted on 11/10/1994, and interim relief in terms of prayer clause 'D' has been granted which reads as under :

“(D) Pending the hearing and final disposal of this Writ petition, the operation of the order dated 29-11-1990, passed by the respondent No.2, which is confirmed by order dated 13/12/1993, passed by the respondent No.5, may kindly be stayed.”

2. The interim relief granted by this Court on 11/10/1994, has been continued for a period of almost 23 years.

3. I have considered this petition with the assistance of the learned AGP on behalf of respondent No. 1 to 5 and Mrs. Dube, learned advocate for respondent No. 6.

4. Admittedly, the petitioner has preferred R.C.S. No. 254/1986, before the Trial Court which would cover the subject matter of the impugned orders passed by the revenue authorities.

5. This Court has concluded in the matter of Shrikant R. Sankanwar and others Versus Krishna Balu Naukudkar **[2003 (3) BCR 45]**, that as the revenue entries are meant for fiscal purpose and would not decide the right, title or interest of the party, the respective rights of the litigating sides can be crystallized only through the proceedings before the Civil Court.

6. Though Mrs. Dube, vehemently prays for the dismissal of this petition, I am not inclined to accept the said prayer since, interim relief is operating for the last 24 years which can be continued further for a new months by directing the Trial Court to decide R.C.S. No. 254/1986, if not already decided.

7. In the light of the above, this petition is partly allowed. The interim relief granted by this Court in terms of prayer clause 'D' shall continue further up to 28th February, 2018 and the Trial Court shall decide R.C.S. No. 254/1986, on/or before 28/02/2018, if not already decided. Needless to state, the interim relief granted by this Court would merge in the judgment of the Trial Court. It is made clear that if during the

pendency of this petition the suit has been decided by the Trial Court, this interim order shall lose it's efficacy.

8. Rule is made partly absolute in the above terms.

(RAVINDRA V. GHUGE, J.)

S.P.C.