

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

**WRIT PETITION NO.4754 OF 1998**

Panditrao s/o Tulshiram Ubale & others

Petitioners

Versus

Bhanudas s/o Sitaram Ubale & others

Respondents

Mr. R.T. Nagargoje advocate for the petitioners  
Mr. N.T. Bhagat, AGP for Respondent State

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CORAM : **RAVINDRA V. GHUGE, J**

(Date : 13<sup>th</sup> July, 2017.)

PER COURT :-

1 On 29.5.2017, this Court (Coram: R.M. Borde, J) has observed as under:-

“ 1 Instant petition relates to recording of mutation entries. It is well established principle that the revenue entries in themselves cannot form evidence of title or entitlement of any party in relation to the property and the entries are recorded for fiscal purposes. This petition could have been disposed of by granting liberty to the parties to take recourse to the remedies available in law, after determination of rights of the parties by the Civil Court. However, since the counsel for the petitioner is absent, during vacation, I do not propose to dispose of the matter at this stage.

2 Registry is directed to place the matter peremptorily for final disposal in the second week of June, 2017 before appropriate Court. ”

2 I have heard the learned counsel for the petitioners and the learned AGP.

3 There is no dispute that, the issue raised in this petition is with regard to mutation entries. The impugned orders indicate that there is no dispute that respondent No.1 herein Bhanudas Sitaram Ubale is the owner of the disputed land. The litigating sides are seeking mutation entries, on the basis of a claim, by way of partition. The property, however, is not partitioned and the claims of the litigating sides have not been subjected to judicial scrutiny in any proceedings.

4 The Additional Collector, Jalna, while dealing with the challenge to the mutation entries, has concluded that as there is a serious dispute about the partition of the property, the litigating sides will have to get their shares defined and their rights crystallized by the Civil Court. He has, therefore, concluded that the parties are at liberty to approach the Civil Court for the said purpose. The conclusions of the Additional Collector have been sustained by the Additional Commissioner. These orders are under challenge.

5 This petition was admitted on 10.11.1998 and interim relief was refused.

6 This Court, in the matter of **Shrikant R. Shankarwar & others versus Krishna Balu Naukudkar** (2003 (3) BCR 45) has concluded that, the mutation entries which are meant for fiscal purpose, would not define or crystallize the rights and titles of the litigating sides. These aspect can only be considered by the Civil Court, where the partition of the property can be undertaken. It is also held that the verdict of the Civil Court crystallizing the rights of the parties will prevail over the mutation entries. The revenue authorities, carrying out the mutation entries would be bound by the verdict of the Civil Court.

7 Considering the above, I do not find any merit in this petition. Same is, therefore dismissed. Rule is discharged.

**(RAVINDRA V. GHUGE , J)**