

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO.3874 OF 2012

Raju Sheshrao Shinde
and others. ... Petitioners.

Versus

The Divisional Commissioner,
Nashik Division, Nashik
and others. ... Respondents.

...
Mr.A.K.Gawali, advocate for the petitioners.
Mr.A.P.Basarkar, A.G.P. for the State.
Mr.M.S.Jaju, advocate for Respondent No.4.
...

CORAM : S.V.GANGAPURWALA, J.

Date : 20.04.2017.

PER COURT :

1. Heard.

2. The petitioners assail the mutation entry bearing No.1769 in favour of the present Respondent No.4. Appeal and Revision filed by the present petitioners challenging the said mutation entry are dismissed. The bone of contention of

Mr.Gawali, learned counsel for the petitioners is that the mutation entry has been mutated without notice to the petitioners. Before mutating a new entry personal notice has to be issued and that is the mandate of the Rules enshrined in the Rules governing record of rights. According to the learned counsel, the sale deed upon which the Respondent No.4 is relying is got executed by impersonation.

3. Mr.Jaju, learned counsel submits that sale deed is executed on 7.7.1989. There is no question of impersonation. The mutation entry on the basis of said registered sale deed is rightly undertaken.

4. The Respondent No.4 claims his right on the basis of registered instrument dated 7.7.1989. The entries in the revenue record are only meant for fiscal purposes. Prima facie, the Respondent No.4 claims on the basis of registered instrument. The mutation entries would always been subject to the decision that would be given in the Civil proceedings.

5. As yet, the sale deed in favour of Respondent No.4 is intact.

6. In case some orders are passed by the Civil Court, with regard to the writ property then the subject entry will certainly be subject to the decision of the Civil suit.

7. In case some Civil suit is filed then all contentions of respective parties would be open.

8. The Writ Petition is disposed of. No costs.

(S.V.GANGAPURWALA, J.)

asp/office/wp3874.12

