

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

WRIT PETITION NO. 10566 OF 2015

MANSURBI WAHID SAYYED
VERSUS
AMJAD AHEMADPASHA KAZI AND ANOTHER

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Advocate for Petitioner : Mr Dhobale Satish P
Advocate for Respondent 1 :Mr Jadhavar Aashish T

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CORAM : V.K. JADHAV, J.

Dated: December 04, 2017

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PER COURT :-

1. Learned counsel for respondent no.1 submits that, though this writ petition has been filed in the year 2015, petitioner has not taken circulation of the matter for listing the same on board and under the pretext of pendency of this writ petition pressurizing the revenue authorities to stay the effect of mutation entry sanctioned in favour of the respondents. Learned counsel for the petitioner submits that, the petitioner has instituted Regular Civil Suit No.310/2009 before the Civil Court in respect of the said property in the month of May, 2012 obtained the order of temporary injunction

in respect of the suit property to the extent restraining other side not to alienate the suit property during the pendency of the suit. Learned counsel for the petitioner submits that, respondents have also instituted R.C.S. No.372/2012 in respect of the same property for declaration of ownership and also a for a decree of perpetual injunction. Civil Court has declined to grant any interim relief in favour of respondents and by order dated 5.10.2013 dismissed the said suit for want of prosecution. Learned counsel for respondents submits that, in respect of the transaction with some other purchaser, mutation entry came to be taken and petitioner has challenged the said mutation entry by filing writ petition no.9625 of 2015. This court by order dated 17.3.2016 dismissed said writ petition with the observations that civil suit is pending in respect of the suit property, and whatever entries which have been taken place in respect of the same, would be subject to the decision in the civil suit. Learned counsel submits that, mutation entry no.6947 came to be confirmed lastly by the learned Additional Commissioner,

aaa/-

Aurangabad.

2. It appears from the record that, petitioner has already instituted R.C.S. No.310/2009. It further appears from the record that, before obtaining the order of temporary injunction as not to alienate the suit property against other side, transaction in question has taken place. It appears that, registered sale deed was executed on 2.11.2012, whereas temporary injunction order restraining the respondents herein as not to alienate the suit property came to be passed in the month of May, 2012. On the basis of registered document revenue authorities have taken the aforesaid mutation entry and the Additional Commissioner has therefore rightly confirmed said mutation entry. It is needless to say that, if the civil suit is pending in respect of the said suit property, whatever entries in the revenue record that has been taken place in respect of the suit property, the same would be subject to the decision of the Civil Court. In view of the same, I do not find any reason to interfere in the impugned order. Writ

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Petition accordingly dismissed. No costs.

(V.K. JADHAV, J.)

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