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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8471 OF 2017

Babubai Nivrutti Ranmale and Another

PETITIONERS

VERSUS

Hausabai Fakira Kapkar and Others

RESPONDENTS

.....
Mr. R. L. Kute h/f Mr. Vikram R. Dhorde, Advocate for petitioners
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 4th JULY, 2017

ORDER :

1. Heard learned advocate for the petitioners.
2. Learned advocate refers to that agreement of sale in respect of 45 *Are* land from Gut No. 330/1 out of a total area admeasuring about 1 Hectare 83 *Are*, by the vendor in favour of the petitioner is a registered document. He further refers to that from Gut No.330/1, 33 *Are* land had been acquired by the government. As such, according to him, only an area of 1 Hectare, 4 *Are* land after agreement of sale has been executed had been in balance with his vendor. Yet, subsequently, his vendor purportedly has sold an area of 1 Hectare, 20 *Are* to present respondent No. 1. He further refers to that a registered sale deed in respect of 45 *Are* land has been executed by his

vendor in favour of the petitioner. It is being submitted that the petitioner is in possession of land agreed to be sold and sold under sale deed right from the date of registered agreement of sale, yet mutation entry had been carried out pursuant to the sale deed executed in favour of respondent No. 1. He further, fairly refers to that challenge to the mutation entry, however, hitherto in all the three proceedings at petitioners' instance has not produced desired result for the petitioners. As such, the petitioners are before the court.

3. He submits that regular civil suit No.112 of 2012 filed by present petitioners for declaration and cancellation of sale deed in favour of respondent No. 1, is pending.

4. Having regard to aforesaid, it does not appear to be a case which requires intervention under writ jurisdiction of this court. Writ petition as such, is not entertained and stands rejected, however, making it clear that revenue entries would be subject to decision in the suit. Needless to refer to that all the contentions are kept open for the parties to be agitated.

5. Writ petition stands disposed of.

[SUNIL P. DESHMUKH, J.]