

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10706 OF 2017

VITTHAL DATTU BHALEKAR DIED LRS.
VERSUS
BALASAHEB DAMODHAR BHALEKAR AND OTHERS

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Advocate for Petitioners : Shri Dhage Hemant U.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 31, 2017

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PER COURT :-

1. The petitioner is aggrieved by the concurrent findings of the Sub Divisional Officer, dated 25.2.2011 and of the Additional Collector, dated 6.1.2012. On account of both these orders, the petitioners are aggrieved as the mutation entry No.3739 sanctioned by the Avval Karkun on 16.1.2010 has been set aside.

2. I have considered the submissions of the learned Advocate for the petitioners. RCS No.68 of 2011 has been filed by these petitioners and by order dated 6.1.2014, the possession of the petitioners is protected and the defendants were restrained from disturbing the possession of the petitioners.

3. This Court in the matter of Shrikant R. Sankanwar and others Vs. Krishna Balu Naukudkar [2003 (3) BCR 45 = 2003 (2) Mh.L.J. 276],

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has concluded that mutation entries do not crystallize the title or rights of ownership of any person. They are meant for taxation and fiscal purposes. It is only in civil proceedings that such a title can be crystallized and the adjudication in civil proceedings would bind the revenue entries and the revenue officers.

4. Keeping the above in view, I do not deem it proper to cause any interference in the impugned order setting aside the mutation entry since whether the petitioners have any right over the suit property, which was subject matter of mutation entry No.3739 would be adjudicated upon by the trial Court.

5. This petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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