IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9283 OF 2014
(Mohd. Taher s/o Abdul Rauf Vs. The Additional Commissioner, Aurangabad and others)

Mr.A.A.Khande, Advocate for the petitioner.
Mr.P.K.Lakhotiya, AGP for respondent Nos. 1 to 3.
Mr.A.P.Piratwad, Advocate for respondent No.4.

CORAM : RAVINDRA V. GHUGE, J.)

DATE : 12/12/2017

PER COURT :

1. The petitioner is aggrieved by the order dated 15/09/2014 passed by the Additional Commissioner, Aurangabad thereby rejecting the review application filed by the petitioner who had sought a review of the order dated 12/12/2013.

2. I have considered the strenuous submissions of the learned Advocates for the respective sides and the learned AGP on behalf of respondent Nos. 1, 2, and 3.

3. Issue in this matter is with regard to the mutation entry No.281 dated 31/05/1999. Respondent No.4 had approached the Sub-Divisional Officer for seeking correction in the mutation entry

after a purported delay of about 12 years, which was refused. According to the petitioner, the delay has been casually condoned by respondent No.2 / Additional Collector and the revision filed by the petitioner has been rejected by respondent No.1 without even scrutinizing as to whether there were sufficient grounds on record which would have convinced the Additional Collector to condone the delay.

4. By the order dated 28/10/2014 passed by this Court, *status-quo* has been granted and consequentially, the status with regard to the mutation entries has been maintained as on date.

5. It is informed that respondent No.4 has instituted R.C.S.No. 159/2010 before the competent Civil Court claiming declaration that the sale deed is not binding on the plaintiff, for restoration of possession which is held by the petitioner herein and for injunction.

6. This Court, in the matter of Shrikant R.Sankanwar and others Vs. Krishna Balu Naukudkar [2003(3) Bom.C.R.45], has concluded that revenue entries are meant merely for taxation purposes and they do not indicate the right or title of a party in the land at issue. When a civil suit is pending, all mutation entries are subject to the

result of the civil suit and the verdict of the Civil Court will be binding on the revenue authorities in relation to the mutation entries and not *vice-versa.*

7. Considering the fact that interim relief with regard to the possession of the land and the mutation entries is operating since 28/10/2014, I deem it appropriate to dispose of this petition by continuing the said relief with the observation that the mutation entry No.281 dated 31/05/1999 shall be subject to the result of RCS No.159/2010 and the said civil litigation. Consequentially, the Appeal No.2011/ROR/CR/56, pending before respondent No.3 Sub Divisional Officer, shall be kept in abeyance and the litigating sides would appraise respondent No.3 of the judgment which will be delivered in the civil proceedings and based on the said judgment, respondent No.3 shall then dispose of the pending appeal.

8. This petition is, therefore, disposed off with the above directions.

(RAVINDRA V. GHUGE, J.)