

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8864 OF 2012

NARENDRAKUMAR KACHRULAL ABAD AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Petitioners : Shri Hajare Abhishek M.
AGP for Respondents 1 to 5 : Shri Tambe S.K.
Advocate for Respondent 6 : Shri Deshmukh V.V. h/f Shri Patil V.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 19, 2017

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PER COURT :-

1. Leave to correct respondent numbers in the cause title.
2. The petitioner is aggrieved by the orders dated 29.8.2012, delivered by the Additional Commissioner, Aurangabad, dated 30.1.2012 delivered by the Additional Collector and dated 23.3.2011 delivered by the Sub Divisional Officer. All these orders are in relation to the mutation entry No.5058, dated 23.2.2010, effected by the Tahsildar on the basis of an unregistered partition deed.
3. This Court in the case of Shrikant R. Sankanwar and others Vs. Krishna Balu Naukudkar [2003 (3) BCR 45 = 2003 (2) Mh.L.J. 276], has concluded that the mutation entries are restricted only for fiscal

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purposes and do not define right, title or interest of any properties in any manner. It is also laid down that the rights of the parties are adjudicated upon by the Civil Court and the decision of the Civil Court will be binding upon the revenue officers to the extent of the revenue entries.

4. The petitioners are plaintiffs in RCS No.84 of 2008, which is still pending adjudication. There can be no debate that the decision of the Civil Court in the said proceedings with regard to the claims of the litigating sides as far as their right, title and interest is concerned, would be binding on the revenue authorities.

5. In the light of the above, this petition is disposed off with the direction to the trial Court to decide RCS No.84 of 2008 as expeditiously as possible and preferably on/or before 31.3.2018. The litigating sides are precluded from seeking adjournments on unreasonable and trivial grounds and shall cooperate with the trial Court in disposal of the suit within time.

(RAVINDRA V. GHUGE, J.)

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