

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

WRIT PETITION NO. 16 OF 2016

Adinath Vithoba Ghairat and others .. Petitioners

Versus

Chandrabhas Pandharinath Patil
and others .. Respondents

Shri S. S. Gangakhedkar, Advocate for the Petitioner.

Shri A. G. Ambetkar, Advocate h/f Shri R. B. Tambe, Advocate
for Respondent Nos. 1 and 2.

Shri A. P. Basarkar, A.G.P. for Respondent Nos. 3 to 7.

CORAM : S. V. GANGAPURWALA , J.

DATE : 21ST APRIL, 2017.

PER COURT :

. Mr. Gangakhedkar, the learned counsel for petitioners submits that, the civil litigation between the parties is pending. The present petitioners have filed civil suit bearing R.C.S. No. 130 of 2011 for declaration and injunction. In spite of the fact that, substantive civil suit is pending, the revenue authorities ventured to decide rights of the parties. It is only prerogative of the civil court. The learned counsel submits that, even injunction was operating in favour of the present petitioners. The revenue authorities could not have entertained the claim made by respondents in view of the fact that, civil proceedings

are pending.

2. It is trite that entries in the revenue record are meant only for fiscal purpose. The entries in the revenue record would always be subject to decision in the civil proceedings.

3. It is submitted that, the substantive civil suit for declaration of ownership and injunction is pending. The revenue entries effectuated pursuant to the orders of the revenue authorities will be subject to the decision rendered by the Civil Court in the civil proceedings. With these observations, the writ petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]

bsb/April 17