

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10099 OF 2016**

Bajirao Sakharam Ghode

..Petitioner

Vs.

Rupaji Vitthal Due (deceased) through LRs & Ors

..Respondents

Mrs. Anjali Helekar with Ms Anu Kaladharan for the Petitioners

**Mr. S. C. Naidu a/w Ms Jaymala Ostwal i/b J. J. Associates for the
Respondent Nos.1 A to 1K**

CORAM : R. M. SAVANT, J.

DATE : 11th JANUARY, 2017

P.C.

1 The dispute relates to Mutation Entry Nos.41 and 53 in respect of Gat Nos.336/1 and 336/2 of Village Nimgaon Dude, Taluka Shirur, District Pune. The Petitioner filed a Revision Application before the Sub Divisional Officer, (SDO) for setting aside the said Mutation Entries. The SDO had allowed the said Revision Application and set aside the said Mutation Entries by order dated 25-3-2008. The said order dated 25-3-2008 was challenged by the Respondents by filing an Appeal before the Additional Collector, Pune. The Additional Collector Pune by order dated 26-2-2010 has allowed the Appeal and set aside the order passed by the SDO. The Petitioner thereafter filed a Revision Application before the Additional Commissioner, which Revision Application was dismissed by order dated 10-10-2013. Thereafter the Petitioner filed a Second Revision before the State Government which was also dismissed by order dated 28-12-2015.

2 In view of the well settled position in law that Mutation Entries do not confer title and are only made for fiscal purposes, it is not necessary for this court to entertain the above Petition. Since a Suit being Regular Civil Suit No.184 of 2003 has already filed by the Petitioner which Suit, this court is informed, is filed for declaration and injunction, it would be in the said Suit that the rights of the parties would be decided.

3 With the aforesaid observations the Writ Petition is disposed of.

[R.M.SAVANT, J]