

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

WRIT PETITION NO. 2984 OF 2014

LALA GANPATI VEER AND OTHRES
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Shri S.A.Gaikwad.
AGP for the Respondents/ State : Shri S.R.Yadav-Lonikar.
Advocate for Respondents 7 and 8 : Shri N.K.Chaudhari.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 12th January, 2018

Per Court:

1 The learned Advocate for the Petitioners, who has challenged the order of the Honourable Minister with regard to the mutation entries, tenders across the Bar the judgment dated 27.06.2017 delivered by the learned Civil Judge, Junior Division, Georai in RCS No.276/2009, which was filed by these Petitioners seeking a declaration of ownership and perpetual injunction. By the said judgment, the suit has been decreed and the Petitioners/ Plaintiffs have been declared as owners of the suit property.

2 The learned AGP appearing on behalf of Respondent Nos.1 to 6 submits that as the Civil Court has declared the Petitioners as owners of the suit property, an appropriate order could be passed by this Court.

3 The learned Advocate for Respondent Nos.7 and 8 opposes the petition.

4 This Court, in the matter of Shrikant R. Sankanwar and others vs. Krishna Balu Naukudkar, 2003 (3) BCR 45, has laid down the law that when it comes to the mutation entries or revenue entries, they do not decide the right, title and interest of any individual. The Civil Court has the authority to adjudicate upon the rights of the litigating sides and the verdict by the Civil Court deciding the right, title and interest of an individual, would be binding upon the Revenue Authorities and the entries to be taken by them.

5 Considering the above, this Writ Petition is allowed. The impugned order passed by the Honourable Minister date 23.01.2014 is quashed and set aside.

6 Needless to state, the revenue entries with regard to the suit property set out in RCS No.276/2009, shall be governed by the judgment and decree of the Civil Court dated 27.06.2017, of course subject to the further litigation, if any.