

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12216 OF 2018

VASANT LOTAN PATIL AND ANOTHER
VERSUS
BHARATI ASHOK PATIL AND OTHERS

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Advocate for Petitioners : Shri Kulkarni Mukul S.

Advocate for Respondent 1 : Shri Sawant A.S.

AGP for Respondents 3 & 4 : Shri Patil K.S.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: October 31, 2018

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PER COURT :-

1 The petitioners are aggrieved by the order of the Honourable Minister dated 7.8.2018, by which, mutation entries Nos.4293 and 6219 carried out on 3.6.1992 and 18.5.2009, respectively have been cancelled.

2 After hearing the learned Advocates for the respective sides, it is obvious that the dispute between them is squarely covered by the law laid down by this Court in the matter of Shrikant R. Sankanwar and others Vs. Krishna Balu Naukudkar [2003 (3) BCR 45 = 2003 (2) Mh.L.J. 276], concluding that all mutation entries are meant for fiscal / taxation purposes and they do not decide the right, title or interest of any litigant. Such right or title can be decided only by the civil court in substantive proceedings and the judgment in the civil proceedings would govern the mutation entries and bind the revenue authorities.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
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2-WRIT PETITION NO. 12216 OF 2018

3 It is informed that these issues are already sub-judice in RCS No.245 of 2013.

4 In view of the above, this petition is disposed off. The impugned judgment shall be subject to the result of the pending civil proceedings. Litigating sides and the revenue authorities shall maintain status quo as existing today and none of the parties shall alienate the properties at issue, create third party interest or encumbrances thereon.

(RAVINDRA V. GHUGE, J.)

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