

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

WRIT PETITION NO. 13844 OF 2017

RAMRATAN NAGORAO LOKARE
VERSUS
BALIRAM NAGORAO LOKARE AND OTHERS

...

None for the Petitioner.

Advocate for Respondents 1 and 2 : Shri Gajanan K. Sontakke.

Advocate for Respondents 3I to 3IV : Shri V.G.Kodale.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 18th June, 2018

Per Court:

1 When this matter was heard on 30.11.2017, the controversy with regard to the mutation entry was recorded in the order passed. The parties were directed to maintain status-quo with regard to Mutation Entry No.1975.

2 It is informed that the litigating sides are involved in Regular Civil Suit No.164/2014, which has been filed by the Petitioner/ Plaintiff seeking the declaration of ownership and perpetual injunction. The said suit is at the stage of delivering the judgment on 26.06.2018.

3 This Court has laid down the law in Shrikant R. Sankanwar and others vs. Krishna Balu Naukudkar, 2003 (3) BCR 45, that mutation entries are purely for fiscal purposes. They do not decide the right, title

and interest of any person. Such mutation entries are always subject to the civil proceedings because it is the Civil Court which can decide the right or title or interest of any person. The verdict by the Civil Court would be binding upon the Revenue Authorities.

4 Considering the above, this Writ Petition is disposed of by continuing the interim protection granted by this Court till RCS No.164/2014 is decided.

5 Needless to state, the decision of the Civil Court in the said suit shall bind the Revenue Authorities and they shall be obliged to carryout the mutation entries based on the judgment of the Civil Court.

kps

(RAVINDRA V. GHUGE, J.)