DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9543 OF 2018

Bhaskar Devidas Kulkarni & ors. ...Petitioners
Vs.
Pandurang Shrinivas Kulkarni & ors. ...Respondents

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Mr. A.M. Kulkarni for the petitioners.
Mr. Sachin Kankal, AGP for State.
Mr. J.M. Joshi for respondent Nos.1A to 1E.

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CORAM : M.S.KARNIK, J.

DATE : 3rd DECEMBER, 2018.

P.C. :

Aggrieved by the order passed by the Additional Collector, Solapur, dated 16/3/2016 the petitioners approached the Additional Commissioner, Pune. The Additional Collector had remanded the matter back to the Sub-Divisional Officer (SDO), Madha Division Kurudwadi for conducting a fresh enquiry in respect of Mutation Entry Nos. 498 and 766.

2. According to the petitioners, the Additional Collector was not justified in remanding the matter back to the SDO after a period of 36 years. The petitioners therefore filed a Revision before the Additional Commissioner. By an order dated 14/7/2017, the

Additional Commissioner was pleased to reject the Revision. The petitioners therefore approached the Hon'ble Minister, Revenue Department, by filing Revision. The Hon'ble Minister was pleased to reject the Revision filed by the petitioners.

3. Being aggrieved by the order passed by the Hon'ble Minister in Revision, the petitioners have approached this Court by filing this Petition under Article 226 of the Constitution of India. The impugned order passed by the Hon'ble Minister is dated 22nd March, 2018. It has now brought to my notice that pursuant to the remand to the SDO, a fresh enquiry in respect of the Mutation Entry Nos. 498 and 766 is already conducted and the Mutation Entries are set aside. In this view of the matter, learned Counsel for the petitioners submits that they will now have to challenge the fresh orders passed by the SDO.

4. It is further pointed out by the learned Counsel for the petitioners that the respondent No.1 has filed a suit for declaration and injunction and the same is pending. The present proceeding arises out of the revenue entries. Obviously the revenue entries made are always subject to the decision in the Civil Suit.

5. In the meantime, the petitioner is at a liberty to resort to the remedy of challenging the order passed by the SDO cancelling the Mutation Entry Nos. 498 and 766. In case, the petitioners choose to challenge the order passed by the SDO, the same may be dealt with in accordance with law.

6. With these observations, the Petition stands disposed of.

7. All contentions are kept open.

(M.S.KARNIK, J.)