

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7351 OF 2015
AND
CIVIL APPLICATION NO.1095 OF 2016
WITH
WRIT PETITION (STAMP) NO.13361 OF 2017

Shivaji Sitaram Patil

Petitioner

versus

The Official Liquidator, Girna Sahakari Sakhar
Karkhana Ltd. (In Liqn.) and another

Respondents

Mr.B.S.Nayak for petitioner.

Mr.Manoj Harti i/by Manoj Harti & Co. for respondent no.1.

CORAM : S.C.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.

DATE : 14th March 2018

PC :

1. After hearing Mr.B.S.Nayak appearing on behalf of the petitioner in the Writ Petition No.7351 of 2015 and the applicant in the Civil Application No.1095 of 2016, we are convinced that the petitioner would have to adopt appropriate proceedings including filing a civil suit on title in the competent Civil Court and thereafter obtain incidental directions to the authorities under Maharashtra Land Revenue Code, 1966 for mutating the name of the heirs of Nimbabai in the 7/12 extracts pertaining to the subject land. They would have to in the process stop the auction sale and get it set aside. All this is possible only if the petitioner institutes a civil suit in the competent Civil Court. Nothing that the authorities under Maharashtra Land Revenue Code, 1966 can do or have done till date

will affect the adjudication before the competent Civil Court. All the more with this clarification we are not inclined to interfere in this petition. Writ Petition No.7351 of 2015 and Writ Petition (Stamp) No.13361 of 2017 are disposed off. Civil Application No.1095 of 2016 also stands disposed of.

(PRAKASH D. NAIK, J.)

(S.C.DHARMADHIKARI, J.)

MST