

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7452 OF 2015

Dhanshetti Ramann Rajmane & Anr.	.. Petitioners
V/s.	
The State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.7453 OF 2015**

Arvind Vithal Bhupale	.. Petitioner
V/s.	
The State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.7470 OF 2015**

Chandrashekhar Sidram Koli	.. Petitioner
V/s.	
The State of Maharashtra & Ors.	.. Respondents

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Mr.V.M. Parshurami a/w. Mr.Ujwal R. Agandsurve in W.P.7452 and 7453 of 2015.
Mr.M.R. Deshpande, Advocate for the Petitioner in W.P.7470 of 2015.
Ms.Shruti D. Vyas, "B" Panel Counsel for Respondent Nos.1 to 4.

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

DATED : APRIL 6, 2018.

P.C. :

By these petitions, under Articles 226 and 227 of the Constitution of India, the petitioner is stated to be aggrieved and dissatisfied with the order dated 23rd June, 2015 passed by the

Sub-Divisional Officer, Solapur, and a notice dated 23rd June, 2015.

2 The petitioner claims that the Officers and Authorities under the Maharashtra Land Revenue Code, 1966, are acting in utter violation or breach of the order passed by this Court way-back on 3rd April, 2001, by interfering with the entries in the Revenue Record.

3 After perusing the petitions and the annexures thereto, what we find is that, the petitioner has rushed to this Court essentially complaining about the Revenue entries and the additions/deletions made in the Record of Rights. We do not see as to how, by alleging that the High Court had passed some order in Writ Petition Nos.2024 of 1999 and 1874 of 2001 way-back on 3rd April, 2001, any officer seeking to exercise *suo motu* powers conferred on him by the Maharashtra Land Revenue Code, does not issue any notice, but seeks to review the earlier orders, can the petitioners project that they are remediless. Meaning thereby, he seeks to effect changes or alterations in the Revenue entries. It is alleged that all this is contrary to the binding orders of this Court.

4 However, prior to such an allegation, what we find from reading paragraphs 1 to 15 of the petition is that, the petitioner rushes to this Court essentially aggrieved by an alleged interference, in what he claims to be right, interest and title in the immovable property. Thus, the petitioner claims to be an owner of the property.

5 We do not see how, once in the light of averments made in the petition and the petitioner seeking to claim and assert the right, title and interest in the immovable property, can a Writ Petition be entertained. We cannot convert these proceeding into a civil suit filed in the competent Civil Court or any proceedings, so as to scrutinize the legality and validity of the actions of the Sub-Divisional Officer and other Authorities under the Maharashtra Land Revenue Code. Even if the highest functionary, namely, the State Government, has not redressed the grievance of the petitioner, it is not as if he is remediless.

6 The petitioner can bring a suit in the competent Civil Court and protect his alleged right, title and interest in the land/immovable property. It is well settled that the Revenue entries do not conclude such issues and merely because some

Authorities under the Maharashtra Land Revenue Code, 1966, essentially in-charge of collections of land revenue, have effected some changes instead of alterations in the Record of Rights, that it is only the High Court, which must be approached instead of the competent Civil Court. This misconception on the part of the petitioner has resulted in institution of this petition and its pendency unnecessarily in this Court.

7 We, therefore, dispose of these petitions by clarifying that, it is not the business of this Court to decide and much less conclude such factual disputes and issues. The petitioner must approach a competent Civil Court.

8 To enable the petitioner to approach the competent Civil Court or the Appellate Authority or the State Government against the order passed on 22nd July, 2015, we clarify that, all such orders or actions shall not influence the outcome of the proceedings before the Civil Court.

9 All petitions stand dispose of in the above terms.

(PRAKASH D. NAIK, J.) (S.C. DHARMADHIKARI, J.)