

Sharayu Khot.

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

WRIT PETITION NO. 9338 OF 2017

Deena Pramod Baldota

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Atul Damle, Senior Advocate, a/w Mr. Swanand Ganoo and Mr. Amit Mehta, i/by Mahimtura and Company, for the Petitioner.

Mrs. R.A. Salunkhe, AGP, for the Respondents No. 1 to 4.

Mr. Pradeep J. Thorat, a/w Ms. Aditi Naikare, for the Respondents No. 5 to 25.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 2 April 2018

ORDER :

1. Heard the learned Senior Counsel appearing for the

Petitioner. The impugned order passed by the State Government has been made in mutation entry proceedings under the Maharashtra Land Revenue Code, 1966 (for short “*the said Code*”). From the impugned order, it appears that an issue was sought to be raised before the authorities under the said Code as regards the nullity of proceedings under the Bombay Tenancy and Agricultural Lands Act, 1948 (for short “*the said Act of 1948*”).

2. In mutation entry proceedings under the said Code, the rights of the parties as regards the immovable property cannot be decided as mutation entries are made only for fiscal purposes.

3. It is obvious that notwithstanding the impugned order, the Petitioner can establish his title by approaching the Civil Court. It is pointed out by the learned Senior Counsel appearing for the Petitioner that a Civil Suit is already pending as regards the proceedings under the said Act of 1948. It is

pointed out that the proceedings have been remanded. In any event, the impugned order will have no bearing on the merits of the proceedings under the said Act of 1948.

4 . Hence, subject to what is observed above, we decline to entertain this Petition under Article 226 of the Constitution of India. Accordingly, the Writ Petition is disposed of.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]