

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

WRIT PETITION NO. 5151 OF 1999

Prabhakar Changdeo Patil

.. Petitioner

Versus

Shamrao Ganpat Patil and others

.. Respondents

Shri S. V. Dixit, Advocate for the Petitioner.

CORAM : S. V. GANGAPURWALA, J.

DATE : 12TH JULY, 2019.

FINAL ORDER :

. Mr. Dixit, the learned advocate for the petitioner submits that, the Hon'ble Minister without considering factual matrix dismissed the revision. According to the learned counsel entire procedure as is required while entering Pik Pera was observed. The notice was issued to the original owner. Panchanama was prepared and thereafter name of the petitioner was recorded in Pik Pera. The learned counsel submits that the Commissioner as well as the State did not consider these aspects in its proper perspective. It is erroneous to contend that for two years no steps were taken. The name of the petitioner ought to have been recorded in the Pik Pera. According to the learned counsel, the revision application could not have been allowed by the Hon'ble Minister setting aside concurrent findings of fact by the

authorities below.

2. It appears that, civil suit is filed by the petitioner bearing Spl. C. S. No. 153 of 1992. The Civil Court will naturally come to the conclusion on the basis of evidence adduced by the parties as to the right of the petitioner and party in possession. As the matter is subjudice before the Civil Court as is contended, the Civil Court naturally would not be guided by the revenue entries and will independently come to the conclusion regarding the factum of possession and the reliefs claimed. The respondent Nos. 2 and 3 were claiming to be in possession.

3. As the petitioner has already resorted to remedy before the Civil Court by filing substantive suit and it is for the Civil Court to come to the conclusion on the basis of evidence adduced before it, I am not inclined to entertain my writ jurisdiction.

4. In view of the above, the writ petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]

bsb/July 19