IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1889 OF 2019

CHANDRAKALABAI BHIKA BHAND
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for the Petitioners : Shri D. R. Adhav
AGP for Respondent Nos. 1 to 5 : Shri N. T. Bhagat
Advocate for Respondent No. 6 : Shri R. R. Karpe
...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 12th JUNE, 2019.
...

PER COURT :

1. The petitioner is aggrieved by the order dated 07/12/2018 passed by the Principal Secretary and Officer on Special Duty (A & R), Railway and Forest Department, Mantralaya. By the said order, the decision rendered by the Additional Divisional Commissioner, Nashik in RTS Revision No. 590/2017 dated 28/02/2018 is quashed and set aside and it is observed that the parties shall approach the competent authority for obtaining the heirship certificate and would approach the Civil Court for getting their right, title and interest in the property, decided.

2. This Court has held in the matter of ***Shrikant R. Sankanwar and Ors. vs Krishna Balu Naukudkar, 2003 (3) BomCR 45*** that the revenue entries are merely made for taxation purposes. They do not crystalize the right, title or interest of any person in the property. Such rights can be decided only by the Civil Court in appropriate proceedings and the verdict of the Civil Court would bind the revenue authorities, who would be obliged to carry out mutation entries in accordance with the decision of the Civil Court.

3. The learned Advocate for the petitioners submits that the petitioner is the third wife of deceased Bhika Bhand. She has preferred RCS No.168/2012 for partition and separate possession. Sakharbai, defendant No.1 in the said suit, is the second wife of Bhika Bhand. The first wife Laxmibai passed away before Bhika Bhand married Sakharbai. As such it is obvious that Sakharbai was alive when the petitioner claimed to have married Bhika Bhand.

4. Notwithstanding the above, a decision in the above stated suit would crystalize the rights of the parties and that

would bind the revenue authorities while carrying out mutation entries. In this legal position, the impugned order dated 07/12/2018 cannot be termed as being perverse or erroneous. This petition, being devoid of merit is, therefore dismissed.

5. It is made clear that the rights of the litigating sides with respect to the suit property would be subject to the result of the civil proceedings.

(RAVINDRA V. GHUGE, J.)

shp/-