

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

WRIT PETITION NO.1589 OF 2019

SIMITABAI MALLIKARJUN PASARKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Shri Thigale Girish K. (Naik)
AGP for Respondents 1 to 4 : Shri S.W.Munde
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 03rd September, 2019

Per Court:

1 I have heard the learned advocate for the petitioner and the learned AGP appearing on behalf of the respondents/ State. Respondent no.5 is absent.

2 I find from the record that the petitioner has suffered concurrent orders dated 31.12.2014 passed by the Additional Collector and 27.03.2018 passed by the Additional Divisional Commissioner with reference to the mutation entries. In fact, the petitioner can approach the State Government by preferring a statutory second revision in view of the judgment of the Honourable Supreme Court in the matter of *Gurudassing Nawoosing Panjwani vs. State of Maharashtra and others, 2016 (2) SCC 213 : 2015 (6) Mh.L.J. 915 (SC)*.

3 However, the substantive proceeding in the form of Regular Civil Suit No.116/2013, in which the petitioner along with others are the plaintiffs and have sought partition and separate possession of the suit property, with perpetual injunction from causing illegal obstruction, interference and restraining from creating third party interest, is pending before the Trial Court.

4 This Court has laid down the law in *Shrikant R. Sankarwar and others vs. Krishna Balu Naukudkar, 2003 (3) Bom. C.R. 54*, concluding that the mutation entries are meant for taxation purposes. They do not decide the right or title of any litigant over the property. The civil court is competent to decide the rights of the litigating sides and after such rights are crystallized, the revenue authorities would be bound to carryout the mutation entries based on such decision of the civil court.

5 In view of the above, this writ petition need not be entertained as the substantive proceeding is pending before the civil court. This writ petition is, therefore, disposed off with the observation that the mutation entries shall be subject to the result of the pending civil proceeding.