

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 604 OF 2012

NARSINGDAS BANSILAL LADDHA (DIED) LRS,
INDUMATIBAI NARSINGDAS LADDHA AND ORS

VERSUS

STATE OF MAHARASHTRA AND ORS

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Advocate for Petitioners : Mr. Rathi Swapnil S.

AGP for Respondents No. 1 to 4 :

Mr. S. G. Karlekar

Advocate for Respondent No. 5 :

Mr. Arvind Deshmukh

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CORAM: S. V. GANGAPURWALA, J.

DATE: 11th JULY, 2019

PER COURT:

1. Mr. Rathi, learned Counsel for the petitioners submits that the Hon'ble Minister while allowing the Revision filed by respondent no. 5 erroneously interfered with the findings of the authorities below. In fact, respondent no. 5 did not have any right, title and interest in CTS no. 630, 631 and 632. His property was acquired and remaining part he had disposed of by registered instrument. No property remained in his favour, still the revisional Court interfered.

2. The petitioners, it appears, filed the Civil Suit for declaration of ownership and possession. The suit is dismissed. The petitioner has filed an appeal. The appeal is pending.

3. It is trite that the mutation entries are always subject to the decision of the Civil Court. It is the Civil Court that would decide the dispute about the ownership. If the Civil Court decides in favour of the petitioners, naturally the mutation entry cannot prevail. The Civil Court has to independently arrive at the conclusion about the ownership and the factum of possession. The mutation entries are only meant for fiscal purposes.

4. In the light of aforesaid, Writ Petition is disposed of with observation that mutation entries would always be subject to the decision of the Civil Court. No costs.

[S. V. GANGAPURWALA, J.]

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