

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9434 OF 2017
NANA GOPALA KHAMKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
WITH
CIVIL APPLICATION NO.1700 OF 2019
ABHAY ARJUN DATRANGE AND ANOTHER
VERSUS
NANA GOPALA KHAMKAR AND OTHERS

Mr.D.J.Patil h/f Mr.N.B.Suryawanshi, Advocate for the petitioners.
Mr.N.T.Bhagat, AGP for respondent Nos. 1 to 4.
Mr.A.K.Gawali, Advocate for respondent Nos. 5 to 7.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 16/08/2019

PER COURT :

1. An issue with regard to the mutation entry is raised in this proceeding. The Hon'ble Apex Court has delivered a judgment in the matter of Gurudassing Nawoosing Panjwani Vs. State of Maharashtra [2015 (6) Mh.L.J. 915], concluding that a statutory remedy of filing a second revision before the State is available to the aggrieved party.

2. The learned Advocate for the petitioners submits that in so far as his suit bearing RCS No.432/2000 seeking injunction is concerned, it has already been decreed by judgment dated 11/07/2003.

3. The learned Advocate for the respondents submits that they have also filed RCS No.1485/2019 seeking partition and declaration of ownership pursuant to a piece of land having been purchased by them from the present petitioner.

4. This Court has delivered a judgment in the matter of Shrikant R. Sankanwar and others Vs. Krishna Balu Naukudkar [2003 (3) BCR 45 = 2003 (2) Mh.L.J. 276], concluding that mutation entries are meant purely for taxation purposes and the title or ownership of a litigant is not crystallized by virtue of mutation entries. Such a right of ownership can be crystallized only by the Civil Court and the decision of the Civil Court would bind the Revenue Authorities while taking mutation entries.

5. In view of the above, this petition as well as the civil application is disposed off. The grievances of the litigating sides would be subject to the result of RCS No.1485/2019 and the revenue authorities would be bound to comply with the directions of the Civil Court while recording the mutation entries.

(Ravindra V.Ghuge, J.)