

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7548 OF 2019

Vijay Rajeshwar Niture & Ors.

...Petitioners

Versus

Uday Sahakari Grhanirman Sanstha, Udgir ...Respondents
& Ors.

.....

Mr. A.V.Indrale-Patil, Advocate for the Petitioners.

Mr. Chaitanya Deshmukh, Advocate holding for Mr. D. P.

Palodkar, Advocate for the Respondent No. 1.

Mr. Ajinkya Reddy, Advocate for Respondent No. 2.

.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 03-07-2019.

PER COURT :

01. The petitioners are aggrieved by the Order dated 27.2.2018 passed by the Additional Divisional Commissioner, Aurangabad. The issue is as regards the mutation entries with reference to the plots which these petitioners contend to have purchased from survey No. 358.

02. I find that the respondent No. 1 society was before this Court in Writ Petition No. 4481 of 2019 in which this Court has passed an Order on 12.6.2019 with reference to the implementation of an earlier Order passed by the Trial Court dated 10.12.2018.

03. The issue raised in this petition is with regard to the mutation entries with reference to the purported plots owned by the petitioners. R.C.S. No. 36/2014 alongwith connected suits involves the said properties. The said suits are with regard to the rights and titles of the litigating sides.

04. This Court has held in **Shrikant R. Sankanwar & Ors. V/s Krushna Balu Naukudkar, (2003(3) BomCR 45)** that the mutation entries are made only for taxation purpose and do not crystalize the right or title of any person. It is only the Civil Courts, which have the power to decide the rights and titles of the litigating sides and a verdict of the Civil Court would govern the mutation entries.

05. In view of the above, as the suit is pending in which the rights of the parties would be adjudicated upon and the mutation entries would then depend upon the verdict of the Civil Court, this petition is disposed off. All the rights of the parties would be subjected to R.C.S. No. 36/2014 and connected suits.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-