

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7744 OF 2019
(Ramdas Dhondiba Raskar Vs. The State of Maharashtra and others)

Mr.R.O.Awasarmol, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for respondent Nos. 1 to 5.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 09/07/2019

PER COURT :

1. The petitioner is aggrieved by the order dated 30/01/2018 passed by the Hon'ble Minister for State, vide which the decision of the Additional Commissioner, Nasik dated 01/09/2017 is quashed and set aside and the mutation entry No.1170 has been restored.

2. The learned Advocate for the petitioner submits that he has preferred RCS No.49/2011. The same is pending final adjudication. He had purchased the land at issue from respondent No.8 in 1990. Same respondent No.8 sold the same land in 2005 to respondent No.7. The petitioner has therefore sought injunction against the said respondents and has also sought a declaration that the subsequent sale deed is null and void.

3. The instant proceedings pertain to mutation entries. This Court has laid down the Law in *Shrikant R.Sankanwar and others Vs. Krishna Balu Naukudkar* [2003(3) Bom.C.R.45] that the mutation entries are purely meant for taxation purposes. Such entries in relation to fiscal matters do not decide the right, title or interest of any litigant. Such a title of ownership can be decided only by the Civil Court and the judgment delivered in civil proceedings would bind the revenue entries.

4. The Hon'ble Minister has observed in the impugned order that his decision will be subject to the result in the pending civil matter. I find that the said observation is in tune with the Law laid down by this Court.

5. In view of the above, this petition is disposed off with the observation that the mutation entries shall be subject to the result of RCS No.49/2011 and litigation connected thereto.

(Ravindra V.Ghuge, J.)