

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4941 OF 2019

Daulat Bhagwat Autade & Ors.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr. Y.S.Choudhari, Advocate for the Petitioners.

Mr. S.R.Yadav, A.G.P. for the Respondent Nos. 1 to 5.

Mr. N.V.Gaware, Advocate for Respondent No. 6.

.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 12-07-2019.

PER COURT :

01. The petitioners, who claim to be class II heirs of the original owner of the property Baruba Dagdu Avtade, are aggrieved by the Order of the Honourable Minister dated 28.1.2019 by which he has set aside the mutation entry No. 6533.

02. I have briefly heard the learned Advocates for the respective sides. Respondent No. 6 claims to be in possession of the property in view of his father Shankarrao having first stepped into the property in 1968.

03. R.C.S. No. 138/2016 has been preferred by respondent No. 6 and the petitioners have preferred a counter claim in the said proceedings.

04. Baruba had died issueless. After his demise these petitioners claimed title over the suit property. Respondent No. 6 claims to be possessing the said property since 1968. Issue raised is as regards the legality of the mutation entry No. 6533 carried out on 9.11.2015.

05. This Court has laid down the law in "**Shrikant R. Sankanwar And Ors. vs Krishna Balu Naukudkar on 16 January, 2003, 2003 (3) BomCR 45, 2003 (2) MhLj 276**", that a mutation entry is purely for taxation purpose. It does not crystalize the right/title or interest of any person. If any civil proceedings are pending between the parties and the issue of title is likely to be dealt with, the verdict of the Civil Court would bind the Revenue Officers in so far as carrying out mutation entries are concerned.

06. In view of the above, this petition is disposed off by holding that the impugned Order of the Honourable Minister shall be subject to the result of R.C.S. No. 138/2016 and litigation originating from said proceedings.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-