

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO.4833 OF 2019

BALAJI GOVIND UTTEWAR
VERSUS
SHRINIVAS VISHWANATH UTTERWAR AND ANOTHER

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Advocate for Petitioner : Shri Shinde P.M. h/f Shri Jadhav P.B.

Advocate for Respondent 1 : Shri Narwadkar Mrigesh D.

AGP for Respondent 2 : Shri Munde S.W.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: September 25, 2019

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PER COURT :-

1. The petitioners who have their residential houses in the suit property, are aggrieved by the order passed by the Honourable Minister, dated 14.12.2018, by which, mutation entry No.17893 has been directed to be reconsidered. The Honourable Minister has protected the litigating sides in view of the pendency of RCS No.531 of 2015, in which, the trial Court has protected the present petitioners.

2. I have considered the submissions of the learned Advocates for the respective sides. The law has been crystallized by this Court in the case of Shrikant R. Sankanwar and others Vs. Krishna Balu Naukudkar [2003 (3) BCR 45 = 2003 (2) Mh.L.J. 276], by holding that the mutation entries are purely meant for taxation purposes and

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do not decide the right or title of a litigant. It is only the civil Court that decides such a right and the revenue authorities and the mutation entries are subject to such a decision.

3. In view of the above, this petition is disposed off by recording that the impugned order of the Honourable Minister dated 14.12.2018 shall be subject to the Civil litigation in RCS No.531 of 2015. The protection granted by the trial Court is to continue till the suit is decided. The proceedings before the Deputy Superintendent of Land Records, Nanded shall stand adjourned *sine die* till the decision in the civil suit and shall be subject to the result in the Civil litigation.

(RAVINDRA V. GHUGE, J.)

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