

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.10446 OF 2018

**DHUDAKABAI BHAGA PATIL
VERSUS
DHANRAJ DHARMA PATIL AND OTHERS**

...
Advocate for the Petitioner : Shri A. D. Mane h/f.
Shri A. S. Sawant

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 18th FEBRUARY, 2019.

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PER COURT :

1. I have heard the learned Advocates for the petitioner for quite some time.

2. The petitioner is aggrieved by the orders dated 15/11/2011 passed by the Additional Collector, Dhule, 07/12/2012 passed by the Divisional Commissioner, Nashik and the order dated 27/11/2017 passed by the Honourable Revenue Ministry. All these orders pertain to mutation entries and it is prayed that these orders be set aside and the order of the SDO, Dhule dated 27/09/2010 in RTS Appeal No. 14/2010 be restored.

3. It is conceded that Regular Civil Suit No. 121/2011 is pending before the Civil Court in which the petitioner is defendant No.1 and the plaintiff has sought a declaration of title, injunction and recovery of possession.

4. The grievance of the petitioner is that he claims to be the owner and possessor of the entire land Gat No. 47. Earlier number was 256. Respondent Nos. 2 and 3 fraudulently got a mutation entry No. 276 executed in their favour on 05/01/1979. With this the litigation started.

5. This Court has dealt with the law of mutation entries vis-a-vis pending Civil Court proceedings in ***Shrikant R. Sankanwar and others Vs. Krishna Balu Naukudkar, 2003 (3) Bom. C.R. 45*** wherein this Court has concluded that a mutation entry is relevant only for fiscal and taxation purposes. It does not decide the right, title or interest of any litigant in the property. Decision of the Civil Court is binding upon the revenue authorities and would govern the fate of mutation entries and not vice-a-versa.

6. Considering the above, this petition is disposed off with the above observations, without issuing notice to the respondents. The law laid down in *Shrikant Sankanwar (surpa)* shall govern the mutation entries at issue. A copy of this order obtained from the official website of the Bombay High Court, shall be placed on record before the Trial Court by this petitioner. Needless to state, the mutation entries shall be subject to the result in the pending suit.

7. Since the civil suit is pending adjudication from 2011, I deem it appropriate to direct the Trial Court to decide the said suit as expeditiously as possible and in any case on or before 29/02/2020.

(RAVINDRA V. GHUGE, J.)

shp/-