IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITIN NO.9095 OF 2019

Govardhan Bhoju Chavan & others Petitioners

versus

The State of Maharashtra and others Respondents.

Mr. R.K. Jadhavar advocate for the petitioners

Mr.S.P. Tiwari AGP for respondent Nos.1 to 5.

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CORAM : **RAVINDRA V. GHUGE, J.**

Date: July 26, 2019

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PER COURT :-

1 The petitioners are aggrieved by the order of the Honourable Minister dated 13.2.2019, by which the Honourable Minister has allowed the Revision application filed by the original complainant and has set aside the order of the Additional Commissioner, Nasik dated 31.12.2017. No other relief has been granted. It is only mentioned that this Order shall be subject to the result of the pending Suits.

2 Learned Advocate for the petitioner submits that a Regular Civil Suit is preferred between these litigating sides who are close relatives, claiming their shares over ancestral property. Suit is for partition and separate possession. He submits that the rights and shares of the parties to the extent of the respective parties would be decided in the said suit.

3 This Court has delivered a Judgment in the matter of

Shrikant R. Sankarwar & others versus Krishna Balu Naukudkar 2003 (2) Mh.L.J. 276, wherein this Court has dealt with the litigation pertaining to mutation entries. It is concluded that mutation entries are made only for taxation purposes and such entries do not decide the right or title of any litigant. Such right or title can be crystallized only by the Civil Court, dealing with the Civil Litigation. It is also held that, once the rights of the parties are crystallized in civil litigation, the verdict of the Civil Court would bind the revenue authorities and revenue entries would accordingly be carried-out.

4 In view of the above, this petition is disposed off.

5 Needless to state, the impugned order and the revenue entries shall be subject to the result of the pending suit. After the rights or title of the litigating sides are crystallized in the said suit, the revenue authorities shall carry out the mutation entries in accordance with such orders.

(RAVINDRA V. GHUGE, J)

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