

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO 7346 OF 2019

Shankar Tejrao Gaike & others

Petitioners

Versus

The Tahsildar, Jafrabad & others

Respondents

Mr. K.C. Sant, Advocate for petitioners.

Mr. N.T. Bhagat, AGP for respondents no 1 to 5.

Ms. S.E.Waghmare, Advocate for respondent no. 6.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 29th August, 2019

PER COURT:

1 This Court had passed an order on 26.06.2019, which reads as under :

1 The petitioners are aggrieved by the orders dated 02/01/2019 passed by the Tahsildar, Jafrabad and dated 08/02/2019, by which, the Tahsildar, Jafrabad has communicated to the police inspector of police Station, Jafrabad to initiate action.

2 The learned Advocate for the petitioners submits that these petitioners have succeeded in Regular Civil Appeal No. 86/2013, which was allowed by the Appellate Court vide judgment dated 01/10/2016 and the verdict of the Civil

Court dated 06/03/2013 in RCS no. 187/2010 was overturned and the suit was allowed. Their right and title to certain immovable properties have been established by the said decree. Despite the same, the Tahsildar, Jafrabad desires to upset certain mutation entires, which are 1051 and 1052 with regard to land Gat No. 187 and 87, respectively.

3 Petitioner No. 3 had preferred RCS No. 50/2009, in which, he has succeeded vide judgment dated 23/02/2017. The said decree has not been challenged.

4 Issue notice to the respondents, returnable on 23/08/2019. The learned AGP waives service for respondent Nos. 1 to 5.

5 In the event, the revenue authorities have not proceeded on the basis of the impugned orders, they shall be restrained from initiating any action.

6 Copy of the petition paper book, for issuance of notice to respondent No. 6 shall be supplied, on or before 04/07/2019, failing which, the ad interim protection shall stand vacated without reference to the Court on 05/07/2019.

2 After hearing the matter today, the learned AGP submits, on instructions from Shri Keshav Annarao Dakale, Naib Tahsildar, Jafrabad,

that the letters dated 02.01.2019 and 08.02.2019 issued by the Tahsildar, Jafrabad to the Circle Officer and the Police Inspector, shall stand withdrawn. Any proceeding with regard to mutation entries no. 1051 and 1052 in relation to land Gat Nos. 187 and 87, would be considered only after issuing notices to the petitioners and respondent no. 6. It is also stated that the Tahsildar, Jafrabad shall consider the verdict of the appellate Court dated 01.10.2016 delivered in RCA No. 86 of 2013 and the mutation entries would be accordingly recorded, keeping in view the law laid down by this Court in the matter of **Shrikant R. Sankanwar Vs. Krishna Balu Naukudkar**, 2003 (2) Mh.L.J. 276.

3 In view of the above, this petition is disposed off by recording the statement of the Naib Tahsildar, Jafrabad.

RAVINDRA V. GHUGE
JUDGE

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