

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8031 OF 2019

Pandurang Dayaram Mali and others

Petitioners

versus

Namdeo Dayram Mali and others

Respondents.

Mr.A.S. Savale, advocate for the petitioners

Mr. S.R. Yadav, AGP for respondent Nos.3 to 6

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

Date: August 14th, 2019

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PER COURT :-

1 The petitioners are aggrieved by the order dated 14.11.2018, passed by the Honourable Minister for State - Revenue department. The issue before the Honourable Minister is with regard to a mutation entry.

2 I have considered the submissions of the learned advocate for the petitioners and the learned AGP on behalf of respondents No.3 to 6.

3 It is informed that, the petitioners have preferred RCS No.54/2017, seeking partition and separate possession of a particular share of the suit property. It goes without saying that, after the shares are allocated to the parties, pursuant to the

partition, they would be the title-holders of such shares. Naturally, the mutation entries will have to be carried out by the revenue authorities on the basis of such a decision.

4 This Court has held in the matter of **Shrikant R. Sankanwar versus Krishna Balu Naukudkar** (2003(2) BCR 45) (2003 (2) Mh. L.J. 276) that, the mutation entries are meant purely for taxation purposes. They do not decide the title or ownership of a litigant. It is only the Civil Court, that can decide the title and ownership and the revenue entries would be subject to the decision of the Civil Court.

5 In view of the above, this petition is disposed off, with the observation that the impugned order of the Honourable Minister would be subject to the result of the Civil Suit.

(RAVINDRA V. GHUGE, J)