

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9011 OF 2019

EKNATH RAMRAO GAIKWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri Bhosale M.K.
h/f Shri Salok Amol M.
AGP for Respondents 1 to 5 : Shri Tiwari S.P.
Advocate for Respondent 6A to 6C : Shri Salgar S.P.
a/w Shri Pathak A.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 24, 2019

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PER COURT :-

1. I have briefly heard the learned Advocates for the respective sides.
2. The petitioners claim to be protected tenants under the Hyderabad Tenancy and Agricultural Lands Act. However, appropriate proceedings, as are required to be taken for seeking a formal declaration of being a protected tenant and to purchase the property to become the owners, have not been initiated by the petitioners.

3. The impugned order is dated 18.6.2019, passed by the Honourable Minister, thereby confirming the order of the Additional Divisional Commissioner, Aurangabad dated 12.4.2018 with reference to the mutation entry No.603.

4. This Court has held in Shrikant R. Sankanwar and others Vs. Krishna Balu Naukudkar [2003 (3) BCR 45 = 2003 (2) Mh.L.J. 276], that mutation entries are purely for taxation purposes and no right or title of any litigants is crystallized through mutation entries. In this situation, it would be appropriate for the petitioners to approach the competent authority for seeking a declaration of a protected tenant and subsequently claim the ownership of the land at issue. In fact, this was advised by the Sub Divisional officer, Bhokardan vide order dated 15.9.2016. Yet the petitioners have not yet initiated the proceedings.

5. Learned Advocates for the petitioners submits, on instructions, that the petitioners would initiate such a proceedings on/or before 23.8.2019 and status quo may be granted for a period of two months. Learned Advocate appearing on caveat does not object, though submits that the protection should not be considered by the competent authority to be a view expressed by this Court.

6. I find that the petitioners were protected during the pendency of the proceedings before the Honourable Minister.

7. In view of the above, this petition is disposed off. If the petitioners approach the competent authority within 30 days from today, on/or before 23.8.2019, there shall be a status quo as regards the mutation entry till 23.9.2019. The petitioners can file an application for interim protection and the competent authority may consider the application on its own merits without being influenced by the protection granted by this Court, which is purely for enabling the petitioners to approach the competent authority. Needless to state, the mutation entry at issue shall be subject to the result of the litigation between the parties.

(RAVINDRA V. GHUGE, J.)

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