

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

WRIT PETITION NO. 9711 OF 2019

**DILIP JANARDHAN KOTTAWAR
VERSUS
THE HONBLE STATE REVENUE MINISTER AND OTHERS**

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Advocate for the Petitioner : Shri U. B. Bilolikar
AGP for Respondent Nos. 1 to 5 : Shri N. T. Bhagat
Advocate for Respondent No. 6 : Shri P. S. Dighe

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 05th AUGUST, 2019.

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PER COURT :

1. The petitioner is aggrieved by the order of the Honourable Minister dated 13/02/2019, by which, he has allowed the Revision Application filed by respondent No.6. The earlier order passed by the Additional Divisional Collector, dated 17/04/2018 has been quashed and set aside and the order passed by the Additional District Collector dated 25/10/2017 has been confirmed. These orders are made subject to the result in the pending civil proceedings between the parties.

2. I have considered the submissions of the learned

Advocates for the petitioner and respondent No.6. The learned AGP appears for respondent Nos. 1 to 5.

3. The issue involved is as regards mutation entries between the parties. Regular Civil Suit No. 298/2013 filed by the petitioner seeking a declaration that the sale of the land is not binding on him and he be declared as the owner of the land, is pending adjudication. The rights of the parties would be crystalized in the said civil litigation.

4. This Court has held in the matter of ***Shrikant R. Sankanwar and Ors. vs Krishna Balu Naukudkar, 2003 (3) Bom CR 45***, wherein it has been concluded that the mutation entries are meant purely for fiscal purposes and do not decide the right or title of any person. Such a right can be crystalized only by the Civil Court and the judgment of the Civil Court would bind the revenue authorities while carrying out mutation entries.

5. In view of the above, this petition, being devoid of merit is, disposed off and it is made clear that the mutation entries

and the impugned order of the Honourable Minister shall be subject to the result of the civil litigation between the parties.

6. The learned Advocate for the petitioner submits that respondent No.6 is likely to create third party interests or encumbrances upon the property. If that be so, then the petitioner would be at liberty to seek a remedy in the nature of temporary injunction from the Civil Court. If the suit has progressed, since it is six years old, the verdict in the suit shall bind the parties and all the revenue authorities.

(RAVINDRA V. GHUGE, J.)

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