

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

WRIT PETITION NO.13974 OF 2019

GULJAR SALIM THOBANI AND OTHERS
VERSUS
THE STATE MINISTER FOR REVENUE AND OTHERS

...
Advocate for the Petitioners : Shri P. B. Salunke
AGP for Respondent Nos. 1 to 3 : Shri A. R. Kale
Advocate for Respondent No. 4 : Shri Sanjay V. Munde

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 20th NOVEMBER, 2019.

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PER COURT :

1. The petitioners are aggrieved by the order dated 09/09/2019 passed by the Honourable State Minister, by which, the revision preferred by respondent No.4 has been allowed and the earlier orders of the District Superintendent of Land Records and the Deputy Superintendent of Land Records, have been quashed and set aside.

2. Grievance is that the Honourable Minister has directed the revenue authorities to enter the name of respondent No. 4 in the ownership column with regard to the suit property. Delay of 7 years was not looked

into while delivering the impugned order.

3. The learned Advocate appearing on behalf of respondent No. 4, who was the revision applicant before the Honourable Minister, draws my attention to the chequered legal history between the petitioners and the respondent No. 4 society which is discussed under the 3rd paragraph on page 5 of the impugned order. He submits that the Civil Courts have consistently concluded that respondent No. 4 society is the owner of the suit land and the execution proceeding is also in progress. The petitioners had raised certain objections in the execution proceedings and the said issue is now subjudice in Writ Petition No. 3563/2010.

4. The learned Advocate for respondent No. 4 further submits that earlier the said suit plot owned by respondent No. 4 was acquired by Mhada. The matter reached this Court in Writ Petition No. 3385/1989 and the acquisition was set aside by this Court. This was further explained in Writ Petition No. 4159/2003 and

the issue became final.

5. In the light of the above, I find that respondent No. 4 had initiated Regular Civil Suit No. 267/2002 against the acquiring body and Mhada. The suit was decreed on 29/07/2005. These petitioners preferred a Regular Civil Appeal No. 277/2005 and by judgment dated 18/02/2012, respondent No. 4 herein was declared to be the owner. These petitioners then seem to have preferred a Second Appeal No. 694/2012 and the same is said to be pending, as per the contention of the learned Advocate for the petitioner.

6. The issue before the Honourable Minister was with regard to the mutation entry. This Court has crystalized the law in ***Shrikant R. Sankanwar and Ors. vs Krishna Balu Naukudkar, 2003 (3) Bom.C.R. 45***, concluding that mutation entries do not decide the right or title of any litigant over a property. Mutation entries are purely for taxation purposes. A decision by the Civil Court as regards the right or interest of an individual, would bind the revenue

authorities and the mutation entries would then be altered as per the judgment of the Civil Court.

7. Considering the above, since it is informed that one limb of the litigation as regards the execution proceedings initiated by the decree holder respondent No.4, is subject matter of Writ Petition No. 3563/2010 in which the execution proceedings have been stayed and considering that the petitioners contend that said Second Appeal is also pending, I do not find that the impugned order would in any way affect the claims of the parties to the ownership and title of the suit property. This petition, therefore, need not be entertained. The same is, therefore, dismissed.

8. Suffice it to say that the mutation entries would be subject to the result of the civil litigation in view of *Shrikant (supra)*.

(RAVINDRA V. GHUGE, J.)

shp/-