

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.344 OF 2019

SMT. KESHARBAI KISAN BORADE AND ORS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri Godhamgaonkar A.G.

AGP for Respondents 1 to 8 : Shri Yadav S.R.

Advocate for Respondents 9 to 19 : Shri Ippar P.K.

h/f Shri Salunke S.J.

Advocate for Respondents 20 to 22 : Shri Kale D.R.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: August 23, 2019

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PER COURT :-

1. On 8.8.2019, the respondents had raised an issue of statutory revisional remedy available in view of the judgment of the Honourable Apex Court in the matter of Gurudassing Nawoosing Panjwani Vs. State of Maharashtra (2016) 2 SCC 213].

2. I find that these petitioners have preferred RCS No.213 of 2017 before the trial Court. Pursuant to the amendment to the plaint, the suit is for declaration of title of ownership and perpetual injunction against the defendants. Naturally, the trial Court would be dealing with the issue of ownership before issuing the declaration of title.

3. This Court has crystallized the law in the matter of Shrikant R. Sankanwar and others Vs. Krishna Balu Naukudkar [2003 (3) BCR 45 = 2003 (2) Mh.L.J. 276], concluding that the mutation entries are purely for taxation purposes and do not decide the title or ownership of any litigant. It is only the Civil Court, which would decide the title over a property and the revenue authorities would be obliged to carry out mutation entries strictly as per the judgment of the Civil Court.

4. In view of the above, considering that all the petitions are ladies from rural area and three out of the six are senior citizens in their 70's and 80's, directing them to avail a statutory remedy of approaching the Honourable Minister at Mumbai, would be cumbersome. This petition is, therefore, disposed off. The impugned order dated 12.12.2018 and all orders of the revenue authorities set out in prayer clause (B) of this petition, would be subject to the result of the suit.

5. Since the suit is already two years old and the temporary injunction application is still pending, I deem it appropriate to direct the learned trial Court at Gangapur to decide the temporary injunction application as expeditiously as possible and preferably on/or before 22.10.2019.

6. Until the temporary injunction application is decided, the parties shall refrain from creating third party rights or encumbrances on the suit property. The trial Court shall decide the temporary injunction application on its own merits.

( RAVINDRA V. GHUGE, J. )

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