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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION No. 2177 OF 1996

Nivrutti Babu Shinde and Others ...Petitioners

Vs.

Ishwara Hari Gonzare and Others ...Respondents

Ms. Manisha Prajapati i/b. Mr. S.V. Sadavarte for Petitioners

Mr. Tushar Pimple i/b. Mr. P.D. Dalvi for Respondent No.1

Mr. S.D. Rayrikar- AGP for Respondent Nos. 2 to 4.

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : FEBRUARY 8, 2019

P.C.:

1. Heard respective counsels. At the outset, it is observed that the Petitioners are challenging an interim order passed by the Revenue and Forest Department dated 27th October, 1995 thereby admitting the revision application and staying the order passed by the Additional Commissioner, Pune Division, Pune dated 29th January, 1994.

2. This Court had directed the Learned AGP to take instructions as to the final order passed in RTS No. 3895/217/6. The Desk Officer, by a letter dated 6th February, 2019 has informed that the said file is not traceable in the office of Revenue and Forest Department, State of Maharashtra.

3. The facts are as follows:

4. The Petitioners claim to be the tenants of the suit property of which Respondent No.3 is the landlord. The landlord had filed an

application seeking mutation in his name in the cultivation column of the suit property and on verification of records, the Tahasildar, Bhudargad by an order dated 31st January, 2019 was pleased to allow the application.

5. The said mutation entry was challenged by the Petitioners by filing RTS Appeal No. 140 of 1990 before the Sub-Divisional Officer, Bhudargad which was dispensed by the Sub-Divisional Officer vide order dated 21st January, 1991.

6. The order dated 21st January, 1991 was challenged before the Additional Collector, Kolhapur and the Additional Collector, Kolhapur by order dated 28th May, 1992 was pleased to allow the said appeal No. 116 of 1991 and had further directed sub-ordinate Revenue Authorities to record the names of the Petitioners in the cultivation column of the suit property.

7. The order dated 28th May, 1992 was challenged by Respondent No.4 by filing revision application No. 88 of 1992 before the Additional Commissioner, Pune Division, Pune. The said revision application was dismissed by the Additional Commissioner vide order dated 29th January, 1994.

8. The said order was challenged by Respondent No.4 before this Court in Writ Petition No. 1886 of 1994 and the said Writ Petition was dismissed by order dated 25th April, 1994. The revision filed by Respondent No.4 before the Minister of Revenue and Forest was dismissed by an order dated 6th August, 1994.

9. On 11th June, 1992, Respondent Nos.1 to 3 have purchased the suit property from Respondent No.4 by way of registered sale

deed and since then Respondent Nos. 1 to 3 were put into possession of the suit property and were cultivating the same. Respondent Nos.1 to 3 were not the parties to any of the litigation between the Petitioners and Respondent No.4. It is, in these circumstances that Respondent Nos. 1 to 3 challenged the order passed by the Additional Commissioner, Pune Division dated 29th January, 1994 before Respondent No. 9 i.e. Minister for Revenue and Forest, who had passed an order of status quo and by an order dated 27.10.1995, the State Government had stayed the order passed by the Additional Commissioner, Pune Division, Pune.

10. Needless to say that subsequently the Petitioners were no more concerned with the suit property since Respondent Nos. 1 to 3 had purchased the same from Respondent No.4.

11. In any case, the order under challenge is only an interim order and ought not to have been challenged in the present writ petition. The litigation between the parties is put to rest. The writ petition being sans – merits stand dismissed and disposed of accordingly.

[SMT.SADHANA S. JADHAV, J.]

V.A. Tikam