

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

WRIT PETITION NO.10265 OF 2018

Rupesh Baban Patil & Anr. ..Petitioners
V/s.
Prakash Vitthal Ghara & Ors. ..Respondents

Mr.Bhushan Walimbe for the Petitioners.

Mr.PP. Pujari, AGP for the Respondent Nos.10 to 13-State.

CORAM : C.V. BHADANG, J.

DATE : 18th DECEMBER 2019

PC.

1. The challenge in this petition is to the order dated 02nd August 2018 passed by the Hon'ble Minister of State (Revenue) in Revision Application No.RTS 2818/Matter/No.151/J-4A. By the impugned order the Minister has confirmed the order dated 27th February 2018 passed by the Additional Commissioner, Kokan Division which in turn confirmed the order dated 01-08-2017 passed by the Collector, Raigad. The net result is that the order dated 13th March 2013, passed by the Sub Divisional Officer, Panvel (SDO) has been set aside. The dispute pertains to a Mutation Entry in respect of agricultural land survey No.21/5/1, 7/1, 5/1, 11/1 situated at Village-Chirle, Tahsil-Uran, District-Raigad.

2. Consequently, the entry in the name of the petitioner in the Revenue record pertaining to the aforesaid field stands deleted. According to the learned counsel for the petitioner the said entry has been deleted without notice to the petitioner.

3. I have heard the learned counsel for the petitioner and the learned Assistant Government Pleader for the respondent Nos.10 to 13. None appears for the private respondents.

4. The learned counsel for the petitioner points out that there is a Civil Suit instituted by the respondent Nos.1 to 5 against the petitioner which is pending before the Civil Court at Uran. The learned counsel for the petitioner states that as the Competent Civil Court is seized of the matter this petition can be disposed of. It is pointed out that as per the order dated 11th September 2018 this Court has granted interim relief in terms of prayer clause (c) which reads thus :

“(c) Pending the hearing and final disposal of the aforesaid Writ Petition, the Hon’ble High Court may be pleased to extend the Order of Status quo dated 25.09.2017 granted by the Additional Commissioner, Kokan Division, further extended by this Hon’ble Court

by order dated 04.05.2018 passed in Writ Petition (St) No.8788 of 2018.”

5. It is submitted that by virtue of the said interim relief the name of the petitioner continues to be there on the revenue record.

6. I have considered the circumstances and the submissions made. It is now well settled that the Revenue entries by themselves can neither confer nor take away title. The revenue entries are essentially for fiscal purpose. Such Revenue entries taken are always subject to the order of the Competent Civil Court. As noticed earlier there is a Civil Suit pending between the parties in respect of the suit lands. In that view of the matter the petition is disposed of, with no order as to costs.

7. It is made clear that the order of status-quo as operating in this petition shall continue to operate during the pendency of the Civil suit. The rival contentions of the parties are left open. In the circumstances, there shall be no order as to costs.

[C.V. BHADANG, J.]