IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12182 OF 2018

Rajaram Dattatraya Mane and anr. ...Petitioners
vs.
Sanjay Sida Jadhav and ors. ...Respondents

Ms. Prachi Khandge i/by M.P.Vashi & Associates for the Petitioners.
Mr. P.J. Gavhane, AGP. for Respondent Nos. 2 to 8.
Mr. R.S.Apte, Sr. Advocate i/by Datta Mane for Respondent No.1.

CORAM : C.V. BHADANG, J.
DATED : 9TH DECEMBER, 2019

PC:

1. Heard Ms. Prachi Khandge, learned counsel for the petitioners, Mr. Apte, learned Sr. Counsel for the first respondent and the learned A.G.P. for Respondent Nos. 2 to 8. It is the common ground that there is no inter-se dispute between the petitioners and private respondent Nos. 5 to 14 and essentially it is the first respondent who is the contesting respondent. The present petition has a checkered history and essentially challenge is to the mutation entry effected on the basis of the sale deeds executed in respect of the share of late Yeshwant Khadtare. The learned counsel for the parties point out that the consent decree did not specify the shares of the respective share holders.

2. The learned Senior Counsel for the first respondent

points out that the first respondent has filed Special Civil Suit No. 3/2015 against the petitioners and others which is pending before the learned Senior Civil Judge, Pandharpur. He submits that the mutation entries taken by the revenue authorities are always subject to orders of the civil court.

3. The learned counsel for the petitioners points out that the impugned order passed by the Revenue Minister (Revisional Authority) is not legal and proper.

4. After the matter was heard for some time, the learned counsel for the petitioners and learned Senior Counsel for the first respondent submitted that it would be appropriate that the matter is remanded to the file of the learned Revenue Minister (Revisional Authority) for deciding it afresh on its own merits and in accordance with law. Thus, on the basis of the concession and without giving any elaborate reasons, following order is passed.

5. Petition is partly allowed. The impugned order dated 21.7.2018 passed by the Revenue Minister in RTS No.3418/5394/PK76/J-5 is hereby set aside and the matter is restored to the file of the Minister for deciding it afresh on its own merits and in accordance with law after hearing the parties and the petitioners.

6. The rival contentions of the parties on merits are left

open.

7. The parties to remain remain present before the Revenue Minister on 27.1.2020.

8. Petition is disposed off in the aforesaid terms with no order as to costs.

(C.V. BHADANG, J.)