

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

**39 WRIT PETITION NO.2171 OF 2020**

EKNATH RAMRAO GAIKWAD  
VERSUS  
RAMESH GOVINDRAO GAIKWAD DIED THRO LR SHINDU  
RAMESH GAIKWAD AND OTHERS

...  
Advocate for Petitioner : Mr. M K Bhosale  
...

**CORAM : ROHIT B. DEO, J.  
DATED : 04<sup>th</sup> FEBRUARY, 2020.**

**PER COURT:-**

. The petitioner contends that, by order dated 27.01.2020, the Tahsildar has acted contrary to the order dated 24.07.2019 in Writ Petition No.9011 of 2019.

2. This Court, while disposing of the petition in which the validity of mutation entry 603 was in issue observed that the petitioners would be free to initiate proceedings before the appropriate authority for seeking a declaration of protected tenant. The relevant observations read thus:

“4. This Court has held in Shrikant R. Sankanwar and others Vs. Krishna Balu Naukudkar [2003 (3) BCR 45 = 2003 (2) Mh.L.J. 276], that mutation entries are purely for taxation purposes and no right or title of any litigants is crystallized through mutation entries. In this situation, it would be appropriate for the petitioners to approach the

competent authority for seeking a declaration of a protected tenant and subsequently claim the ownership of the land at issue. In fact, this was advised by the Sub Divisional officer, Bhokardan vide order dated 15.9.2016. Yet the petitioners have not yet initiated the proceedings.”

3. The operative part of the order dated 24.07.2019 reads thus:

“7. In view of the above, this petition is disposed off. If the petitioners approach the competent authority within 30 days from today, on/or before 23.8.2019, there shall be a status quo as regards the mutation entry till 23.9.2019. The petitioners can file an application for interim protection and the competent authority may consider the application on it's own merits without being influenced by the protection granted by this Court, which is purely for enabling the petitioners to approach the competent authority. Needless to state, the mutation entry at issue shall be subject to the result of the litigation between the parties.”

4. The Tahsildar heard the arguments on 27.01.2020 and recorded that a decision would be taken on whether the issue of protected tenancy and validity of mutation shall have to be decided simultaneously or whether the issue of mutation will have to be independently considered. The

Tahsildar adjourned the matter for further hearing.

5. I am satisfied that the petition is premature and misconceived. No decision is taken by the Tahsildar. There is no quasi judicial order holding the field. The petition is dismissed.

**(ROHIT B. DEO, J.)**