

WRIT PETITION St.NO.12585 OF 2020

versus

The State of Maharashtra and others Respondents

...

Mr.Y.R. Barhate, advocate for petitioners.

Mr. A.S. Shinde, AGP for State

...

**CORAM: S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ**

Date: JULY 30TH, 2020

• • •

PER COURT :-

1 The petitioners are challenging the communication dated 22.7.2020 issued by the Tahsildar to the Circle Officer, wherein, the Tahsildar has directed the Circle Officer that if the Civil Court has not granted any stay, then, he should take the proceedings in accordance with law. The learned counsel for the petitioners submits that on 11.3.2020, the Tahsildar has directed the Circle Officer not to take up any proceedings with regard to the mutation entry No.3042 as the Civil Suit No.160/2015 and Appeal No.52/2020 are pending. However, after four months, the Tahsildar reviewed his own order. When the Civil Suit is pending, the revenue authority ought not have passed any order with regard to mutation entry.

Reliance is placed on the order of the learned single Judge of the Punjab & Haryana High Court in the matter of **Jaswinder Kaur versus Commissioner, Ferozepur Division and others.**

2 We have heard learned AGP.

3 It is for the Circle Officer to consider about the genuineness or correctness of the mutation entry. Certainly, no orders can be passed behind the back of the petitioner. Petitioner will have every right to give explanation and put-forth his stand before the Circle Officer or any such competent authority dealing with the matter.

4 In fact, the Tahsidlar only issued communication. It cannot be said to be a quasi-judicial order. It is for the Circle Officer to consider the grievances of the parties and take decision in the matter, on its own merit. The Judgment relied by the learned counsel for the petitioner does not assist the petitioner even remotely. There cannot be a dispute with the proposition that mutation entries do not confer title on any party. The mutation entries are meant for fiscal purposes. In the case relied by the petitioner, the dispute is about the will.

5 The petitioner also has remedy of two appeals and revision, if the mutation entries are changed to his prejudice. As no order is passed as yet and the impugned order alleged by the

petitioner is merely a communication by the Tahsidlar to the Circle Officer, we are not inclined to entertain the present writ petition.

6 The writ petition is dismissed with no costs.

(SHRIKANT D. KULKARNI, J)

(S. V. GANGAPURWALA, J.)

vbd