

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

36 WRIT PETITION NO.6661 OF 2018

BHASKAR NARAYAN KULKARNI THROUGH LRS PRADEEP BHASKAR
KULKARNI AND OTHERS
VERSUS
RAJESH KISANRAO KARPE AND OTHERS

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Advocate for Petitioners : Mr. Palodkar Devdatt P.
AGP for Respondents: Mr. S.K. Tambe
Advocate for Respondent No.1 : Smt. M.A. Kulkarni
Advocate for Respondent No.2 : Mr. V.V. Deshmukh
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CORAM: ROHIT BABAN DEO, J.

Date: JANUARY 14th, 2020
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PER COURT :-

1 I have scrutinized the reasons recorded by the Additional Commissioner, Aurangabad who was pleased to allow the revision preferred by respondents No.1 and 2 and in the process, set-aside the orders passed by the S.D.O. and the Additional collector, directing that the property in question be mutated in the name of the petitioner in view of the Judgment & decree in RCS No.14/1982.

2 Certain observations in the order impugned patently militate against law. Illustratively the observation that since the decree holder did not register the *lis pendens* under section 52 of the Transfer of Property Act, the transactions pending the litigation bind the decree holder is patently unsustainable.

However, I am refraining from exercising writ jurisdiction since the learned counsel for the respondents points out that there is an alternate statutory remedy in the form of revision before the State Government.

3 In this view of the matter, this petition is disposed of with the following directions:-

- a) The petitioner shall file revision/appeal before the State Government within two weeks.
- b) The State Government shall finally decide the Revision/appeal within sixty days from the filing of the appeal/revision.
- c) Till the State Government decides the appeal/revision, the interim order which is operating in this petition, shall continue to operate.

4 The petition is disposed of in afore-stated terms.

(ROHIT BABAN DEO, J)