

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

19 WRIT PETITION NO.2217 OF 2020

RAMLINGAPPA KASHINATHAPPA KAPSE THROUGH POWER OF
ATTORNEY MAROTI RAMLINGAPPA KAPSE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Maney V. M.
AGP for Respondents No.1 to 3:Mr. S.W. Munde
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CORAM: ROHIT BABAN DEO, J.

Date: FEBRUARY 10th, 2020
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PER COURT :-

1 The petitioner is aggrieved by the order dated 3.7.2018 rendered by the Additional Divisional Commissioner, Aurangabad whereby the revision preferred by the petitioner under section 257 of the Maharashtra Land Revenue Code, 1966 (MLR Code) challenging the order dated 15.11.2016 rendered by the Additional Collector, Parbhani is rejected.

2 The dispute concerns the mutation entries. According to the petitioner, the land is ancestral and is not partitioned. The petitioner contends that some family members sold the ancestral land illegally, mutation entries were recorded on the strength of the sale-deed. The petitioner pointed out to the authorities that in view of the provisions of section 150(2), the mutation entries be treated as disputed entries and recorded as such.

3 In the revisional order, the observation is that the Civil Suit preferred by the petitioner challenging the sale-deed is dismissed. However, RCA No.107/2017 is preferred challenging the said dismissal and vide order dated 19.10.2019, the appellate Court has restrained the contesting respondent therein from creating third party interest in the suit property.

4 I am not inclined to interfere in writ jurisdiction.

5 It is obvious that the mutation entries which are in dispute, shall be subject and subservient to the decision in the Civil proceedings.

6 The petitioner is at liberty to invite the attention of the authorities to the order dated 19.10.2019 rendered by the appellate Court in RCA No.107/2017. If this is done, the concerned authority shall do the needful keeping in mind provisions of section 150 of the MLR Code.

7 The petition is disposed of.

(ROHIT BABAN DEO, J)