

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3252 OF 2022

JALINDAR TATYASAHEB DESHMUKH
VERSUS
RAJKIRAN TUSHAR DESHMUKH AND OTHERS

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Advocate for Petitioner : Mr. Vilas Savant
AGP for Respondents: Mr. S.B. Pulkundwar
Advocate for Respondent No. 1 : Mr. Sambhaji Tope.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th MARCH, 2022

ORDER :

1. The order passed by the Hon'ble Minister, allowing the revision of the Respondent No. 1 thereby, confirming the mutation entry No. 401 in respect of Gut No. 44, situated at Mauje. Sukali, Tq. Dharur, District Beed, is impugned in the present petition.

2. I have heard the learned advocate for the Petitioner and learned advocate for Respondent No. 1. It is clear that the parties have already instituted civil suits against each other in respect of said property. The Petitioner herein has filed Regular Civil Suit No.

314/2019 against the Respondent No. 1 seeking injunction in respect of the said property. By order below Exhibit-5 dated 14.2.2020, the said application is allowed and Respondent No. 1/Defendant therein is temporarily restrained from disturbing the peaceful possession of the Plaintiff or otherwise cause injury to the Plaintiff by any means in relation to the suit property till disposal of the suit.

3. The Respondent No. 1 has also filed Regular Civil Suit No. 250/2019 seeking temporary injunction against Petitioner in respect of suit property. The application for temporary injunction filed by Respondent No. 1 came to be rejected by order dated 14.02.2020.

4. In this background, it is clear that the parties are litigating before the Civil Court to assert their respective rights. According to the learned advocate for Respondent No. 1, the Mutation Entry No. 574 confirming earlier Mutation Entry No. 401 is already taken pursuant to the impugned order passed by the Hon'ble Minister, thereby entering the name of Respondent No. 1 in the suit property, in that view of the matter, the writ petition is disposed of by directing that the

Mutation Entry Nos. 401 and 574 shall be subject to the decision in the above referred civil suits and the entry of the pendency of civil suits be taken in appropriate register in accordance with Section 150 of Maharashtra Land Revenue Code. The *status quo* to be maintained in respect of Mutation Entry No. 574.

5. It is made clear that the Civil Court shall decide and adjudicate the rival rights of the litigating parties independently without being influenced by the observations of this Court in the present order. The writ petition is disposed of in above terms.

6. Considering the fact that the suits filed by both the parties are at the stage of evidence, the same shall be decided expeditiously.

[NITIN B. SURYAWANSHI]
JUDGE