

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10790 OF 2021

ASARAM LAXMAN KAMTHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Zaidi Ali Zeeshan M.
AGP for Respondents: Mr. S.N. Kendre
Advocate for Respondents No. 6 to 9: Mr. S.D. Hiwrekar

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th AUGUST, 2022

ORDER :

1. The petitioner is aggrieved by the order dated 04.02.2021, passed in Appeal No. 2019/Pra.Kra.132/J-7, by the Hon'ble Minister, Revenue, Maharashtra State.

2. Having heard the learned advocate for the petitioner, learned advocate for the respondents and learned Assistant Government Pleader and after perusing the documents on record and the impugned order, it is clear that the mutation entries of the respondents have been set aside by the Sub Divisional Officer, after a period of 27 years. The Collector, set aside the order of the Sub Divisional Officer. The order of the Collector is confirmed by the Commissioner as well as by the Hon'ble Minister for Revenue.

3. Admittedly, Regular Civil Suit No. 749/2018 filed by the respondents is pending before the competent Civil Court wherein the respondents have prayed for declaration of ownership of the land Gut No. 199. In that view of the matter, this Court is not inclined to interfere in the concurrent finding of fact recorded by three revenue authorities i.e. Collector, the Commissioner and the Hon'ble Minister. The said decisions shall be subject to the decision of Civil Court in Regular Civil Suit No. 749/2018. In that view of the matter, no merit is found in the petition. The writ petition is therefore dismissed.

[NITIN B. SURYAWANSHI, J.]