

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8121 OF 2022

RAMESH BABURAO PATARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND
OTHERS

Mr.B.R.Sagade h/f Mr.B.G.Sagade, Advocate for the petitioner.
Mr.S.G.Sangle, AGP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : AUGUST 5, 2022

PER COURT :

1. The petitioner was plaintiff in RCS No.859/2017 before the learned Civil Judge, Sr.Division, Newasa. By judgment and decree dated 20.11.2021, it was directed that the action of the S.D.O. cancelling the Mutation Entry No.1857, was bad in Law. Regular Civil Appeal was preferred by the State and Revenue Authorities bearing No. 01/2022 before the learned District Judge, Newasa.

2. The request of the petitioner is that the conclusions of the Trial Court be implemented by the Tahsildar and a mutation entry be carried

out by recording his name, notwithstanding the fact that the regular civil appeal is pending. This contention is based on the fact that the Appellate Court, according to the petitioner, has not granted interim relief to the State and the Revenue Authorities.

3. We are of the view that while exercising our writ jurisdiction, this Court must take into account attending circumstances and confirm for itself that the situation is absolutely clear in order to issue a writ. If the attending circumstances create circumspection, it would be pragmatic not to show indulgence.

4. As such, this petition is disposed off with liberty to the petitioner to request the learned Appellate Court to decide RCA No.01/2022, expeditiously.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)