IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6118 OF 2021
WITH
WRIT PETITION (ST) NO.7588 OF 2021

Bababai Bhima Jadhav & Ors. ….. Petitioners
Vs.
Ravindra Madhavrao Chandwadkar & Ors. ….. Respondents

WITH
WRIT PETITION (ST) NO.7596 OF 2021

Vikrant Vishwas Savkar ….. Petitioner
Vs.
Ravindra Madhavrao Chandwadkar & Ors. ….. Respondents

Mr. Girish Agarwal for the Petitioners
Mrs. M. P. Thakur, AGP for the State
Mr. Surel S. Shah for the Respondents

**CORAM: S.V. GANGAPURWALA &
M. G. SEWLIKAR, JJ.**

DATED : APRIL 20, 2022

P.C.

1 We have heard the learned Advocate for the Petitioners and the learned Advocate for the Respondents.

2 Writ Petition No.6118 of 2021 is filed challenging the

order passed by the Hon'ble Minister thereby dismissing the Revision. The dispute, it appears, is about the mutation entry.

3 The other two Writ Petitions are filed seeking directions against the Authority to perform their statutory duties.

4 It appears that one Mahadu Tukaram Chandwadkar was the owner of the property bearing Gut No.220 and 223. Respondent No.1 Ravindra Madhavrao Chandwadkar claims to be adopted son of Mahadu.

5 It is the case of the Petitioner that Mahadu Tukaram Chandwadkar sold the said writ properties to Balu Manaji Gangurde under a registered instrument of sale dated 19th May 1961.

6 It appears that, earlier Mutation Entry No.139 was recorded in the name of Respondent No.1 as legal heir of Mahadu. Thereafter on 9th June 2010 Mutation Entry No.197 was recorded in favour of Petitioner No.1 and one Chhababai Uttam Rupwate. Subsequently, on 14th June 2010, the writ property bearing Gut No.223 was sold to Petitioner No.7. The mutation entries were recorded in favour of the purchaser and his legal heir. It appears that present Respondent No.1 filed an appeal challenging the mutation entries. The appeal was allowed. In the appeal filed by the present Petitioners,

the Authorities confirmed the order. The Additional Commissioner, Nasik, it appears, allowed the revision filed by the present Petitioner. Aggrieved thereby the present Respondent No.1 approached the State government. The State government allowed the revision filed by present Respondent No.1.

7 During the course of arguments, it is contended that the present Respondent No.1 has filed a civil suit claiming declaration of ownership on the basis of the adverse possession.

8 It is the statutory duty of the Revenue Authority under the Revenue Record Rules and under the provisions of MLRC to incorporate / mutate the entries on the basis of the registered instrument of sale.

9 Be that as it may, the revenue entries are meant for fiscal purposes. At the end, the revenue entries would be governed by the decisions rendered by the Civil Court in the proceedings between the parties.

10 Today, a registered instrument of sale stands in favour of the Petitioner. In the light of that, we set aside the order passed by the Hon'ble Minister dated 30th December 2020 and restore the order passed by the Additional Commissioner, Nasik dated 17th October 2018.

11 It is made clear that these revenue entries would be subject to the decision that would be taken by the Civil Court in the civil suit filed by Respondent No.1. Said entries, being only for fiscal purposes, would not be an impediment for the Civil Court to decide the said civil suit on its own merits nor the entries in the revenue record shall have any binding effect upon the Civil Court. The Authorities shall incorporate mutation entries considering that the order of the Hon'ble Minister is set aside.

12 The Writ Petitions accordingly stand disposed of. No costs.

(M. G. SEWLIKAR, J.) (S.V. GANGAPURWALA, J.)