

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 6719 OF 2018

Shri Sarang s/o Manikrao
Sawarkar, aged about – 30 years,
Occupation – Education, R/o Plot
No.8, Swanand Nagar, Behind
Chetna Nagar, Aurangabad, Tahsil
& District – Aurangabad
(Maharashtra State) Through his
power of Attorney holder – Shri
Sangram s/o Manikrao Sawarkar,
aged about – 43 years, Occupation
– Self employed, R/o Plot No.8,
Swanand Nagar, Behind Chetna
Nagar, Aurangabad, Tahsil &
District – Aurangabad
(Maharashtra State)

.... **PETITIONER**

// VERSUS //

1. State of Maharashtra, through its
Secretary, Revenue Department,
Mantralaya, Mumbai – 400 032
2. Hon'ble Minister, Minister of State
for Revenue & Forest, Government
of Maharashtra, Mumbai.
3. Deputy Director of Land Records,
Nagpur.
4. Superintendent of Land Records,
Nagpur.
5. City Survey Officer No. 1, Nagpur
having its office at New
Administrative Building, Civil Lines,
Nagpur Tahsil & District – Nagpur
(Maharashtra State)
6. Shri Vijay s/o Shankar Jhalke, Aged

about – 38 years, Occupation - Self Employed, resident of Plot No. 31, Dighori Juna Naka, Umrer Road, Nagpur, Tahsil & District – Nagpur (Maharashtra State)

7. Mrs. Swait w/o Mangesh Gadhawe, Aged about – 42 years, Occupation – Housewife, resident of 56 Vivekanandan Public School, Near Sai Mandir Wardha Road, Nagpur, Tahsil & District – Nagpur (Maharashtra State)
8. Mrs. Vaishali w/o Vishal Pranjale, aged about – 40 years, Occupation – Housewife, resident of 108, Satyasai Residency, Chirec Public School, Near Botanical Garden, Kondapur, Secunderabad, Hyderabad (Telangana)

.... **RESPONDENTS**

Shri Anwar Ali Saiyyed, Advocate for the petitioner.
Mrs. T.H. Khan, A.G.P for respondent nos. 1 to 5.

CORAM : ROHIT B. DEO, J.
DATED : 08.04.2022.

ORAL JUDGMENT :

Heard. **RULE.** With consent, the petitions are heard finally.

2. The petitioner is assailing the order dated 22.05.2013 rendered by the Hon'ble Minister in Revision 505 of 2012. The order impugned is passed in the revision, which arises from mutation proceedings.

3. The petition is preferred after 5 years of the date of the order

impugned and could have been dismissed on that ground alone, particularly since the explanation for the delay, which is given in paragraph 25 of the memo of the petition, is not satisfactory.

4. I have heard the learned Counsel for the petitioner and learned A.G.P Mrs. Khan. Learned Counsel for the private respondents is absent.

5. Learned Counsel for the petitioner would submit that the order of the Hon'ble Minister militates against the findings recorded by the competent Civil Court.

6. I am not inclined to delve deeper. Suffice it to observe, that mutation does not confer title and serves only a fiscal purpose. The mutation entry, which is the subject matter of the proceeding, shall be certainly subject and subservient to, the findings recorded by the Civil Court.

7. Subject to observation *supra*, the petition is dismissed.

(ROHIT B. DEO, J.)

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