

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

940 WRIT PETITION NO. 13282 OF 2023

RAMDAS RANGNATH LOMATE AND ANOTHER
VERSUS
BABUSHA LIMABAJI KAJALE AND OTHERS

...
Advocate for Petitioners : Mr. Surwase Prakash Namdeorao
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 26th OCTOBER, 2023

PER COURT :

Heard learned counsel for the petitioner.

2. The petitioner is challenging the judgment and order dated 27th April, 2022, passed by the Divisional Commissioner in Revision No. 168 of 2022, dismissing the Revision. The proceedings before the Revenue Court commenced at the instance of petitioner by way of challenge to mutation entry No. 3356 recorded in favour of the respondent no. 1. The challenge failed before Sub-Divisional Officer, Kallamb. Thereafter, the petitioner approached Collector, Osmanabad, There also he was unsuccessful. Being aggrieved, Revision No. 164 of 2022, was preferred before the Commissioner. On 27th April, 2023, impugned order is passed.

3. It is the case of the petitioner that he is the owner of land survey No. 28/A/1 situated at Village Diksal, Taluka Kallamb, District Osmanabad. He had purchased the land by registered sale on 18th September, 2007, which is converted in the plot nos. 61 and 64. He

also claims to be in possession of the subject matter. By following due procedure of law, the plots are constructed. The Competent Authority has recorded a mutation entry no. 1825 mutating the name of the petitioner. Despite that, the respondent no. 1 represented that he is the owner of subject matter and mutated his name vide entry no. 3356. The mutation entry no. 3356 is sought to be challenged by the petitioner before the Revenue Court under Maharashtra Land Revenue Code.

3. The petitioner has also instituted RCS No. 400 of 2023 before Civil Junior Division, Kallamb, for declaration of ownership and injunction against the respondents. It is subjudiced. The orders passed by the Revenue Officers need to be considered in this background.

4. The Revenue Authorities have recorded concurrent findings of facts. I do not find that there is any case made out by the petitioner to cause interference in the findings recorded by the Revenue Authorities. However, the petitioner has instituted RCS No. 400 of 2023 before the Competent Court asserting his right of ownership and consequential relief. The revenue record is for fiscal and restricted purposes. It is a trite law that the mutation entries do not confer or divest any title. The decisions rendered by revenue forum are always subject to outcome of the proceedings initiated before competent Civil Court.

5. In the present matter, therefore, though Divisional Commissioner confirmed the orders passed by Sub-Divisional Officer and Collector, that is not an impediment for adjudicating the Civil proceedings on its merits. The Civil Court is competent to decide the proceedings before it which are in respect of title of the parties over the subject matter.

6. In view of above, the Writ Petition is disposed of. The decision of revenue authorities shall be subject to decision of the Civil Court.

[SHAILESH P. BRAHME, J.]

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