IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9717 OF 2019

Shashikala Raosaheb Pote
and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. Ramesh R. Mantri, Advocate for the Petitioners.
Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 to 6.
Mr. V. B. Patil, Advocate for Respondent No. 7.

CORAM : KISHORE C. SANT, J.

DATED : 16th JUNE, 2023.

P. C. :-

. The petitioners are aggrieved by the order passed by the Hon'ble Minister of State (Revenue), State of Maharashtra dated 18.06.2019 wherein, the revision filed by respondent Nos. 7 and 8 came to be allowed. The Hon'ble Minister has set aside the order passed by the Additional Commissioner, Nashik in RTS/Revision/400/2018 dated 10.09.2018 confirming the order passed by the S.D.O., Nandurbar in RTS Appeal No. 44/2011 dated 14.08.2011.

2. The main objection of the petitioners is that the revenue entry No. 1649 in respect of the suit properties is taken on the basis of documents which are not registered documents creating any rights in favour of respondents and therefore, their right is affected. Learned advocate for the petitioners further submits that, the entry No. 1649

therefore deserves to be cancelled. He relies upon various judgments to show that, no right can be created or distinguished without proper registration of the document as required under Section 17 of the Registration Act. In this case, the documents which are considered are the transfer deed and the affidavits executed by the petitioners in favour of respondents.

3. Learned advocate for respondent No. 7 submits that, in the impugned order itself the Hon'ble Minister had made it clear that, the orders passed by the revenue authorities shall be subject to the orders passed by the Civil Court in the proper proceedings. He invites attention even to the order passed on an application below Exhibit-5 in RCS No. 205/2012 passed by the learned 3rd Joint Civil Judge Junior Division, Nandurbar thereby granting injunction against the respondents. He thus submits that, the Civil Court is independently considering the rights of the parties. In any case in his submission that the revenue entries are merely taken for fiscal purpose and do not confirm or take again rights of the parties. In this case, the entries are taken on the basis of some documents executed by the petitioners and the petitioners do not deny themselves for the execution of such documents. The petitioners in such circumstances cannot challenge the impugned order.

4. The learned A.G.P. supports the order passed by the Hon'ble Minister. He submits that the revenue entries are always subject to the rights of the parties established in the civil proceedings. In this case, the parties are already before the Civil Court. When Civil Court is ceased with the matter, no interference is required in the impugned order. More so, when the Hon'ble Minister himself has made it clear that the entries in the revenue record are only subject to outcome of the Civil Court proceedings.

5. Considering all these above said submissions this Court finds that, in no way the order is causing prejudice to any of the parties. It is trite that, the revenue entries are taken only for the purpose of fiscal policies and they do not confer any rights or title on any of the parties.

6. Considering this, this Court finds that causing interference would be of no use. This Court clarifies that all the orders passed by the revenue authorities shall be subject to outcome of the civil suit i.e. R.C.S. No. 205/2012 pending before the Civil Judge Junior Division, Nandurbar.

7. With this, the writ petition stands disposed off.

(KISHORE C. SANT, J.)

P.S.B.