

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

WRIT PETITION NO. 8478 OF 2020

1. Mahadevi Sangappa Hese
2. Sangappa Pratappa Hese .. Petitioners

Versus

1. The State of Maharashtra
Through Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai.
2. The Hon'ble Minister for
Revenue and Forest Department,
Mantralaya, Mumbai.
3. The Additional Commissioner,
Commissioner Office (Revenue)
Aurangabad.
4. The Additional Collector,
Collector Office, Nanded,
Tq. & Dist. Nanded.
5. The Sub Divisional Officer,
Degloor Tq. Degloor, Dist. Nanded.
6. Mangalbai Rajendra Hese
7. Rajendra Pratappa Hese .. Respondents

Mr. Bharat S. Doifode, Advocate for the Petitioners.
Mr. S. B. Pulkundwar, AGP for Respondent Nos. 1 to 5.
Mr. P. P. Uttarwar, Advocate for Respondent No. 6.
Mr. D. M. shinde, Advocate for Respondent No. 7.

CORAM : KISHORE C. SANT, J.

DATED : 19th AUGUST, 2023.

P. C. :-

. The present petition is filed challenging the order passed by the Hon'ble Minister dated 08.09.2020 in the proceedings started in respect of mutation entry No. 958 in respect of land Gat No. 131 of village Halni, Taluka Mukhed, District Nanded. In the order itself, the Hon'ble Minister has observed that, the order would be subject to outcome of the civil proceeding between the parties, if any.

2. During the pendency of this writ petition, now the petitioner No. 2 has filed civil suit bearing Regular Civil Suit No. 279/2020 wherein, the present respondent Nos. 6 and 7 are also party. It is informed that, even respondent Nos. 6 and 7 have also now filed counter claim in the said civil suit.

3. Learned advocate for respondents also points out that, the mutation entry Nos. 1817 and 958 are also the subject matter of the suit.

4. This Court finds that, there is specific prayer to declare these mutation entries as illegal, null and void and it is prayed to cancel the said entries.

5. Thus, this Court finds that, when the parties are before the Civil Court, the petition can be disposed off by clarifying that all the rights of the parties shall be subject to outcome of the said civil suit.

6. In view of this, following order is passed.

7. No interference is called for in the writ petition. The impugned order shall be subject to outcome of the Regular Civil Suit No. 279/2020 pending between the parties.

8. In view of the above, the writ petition stands disposed off.

(KISHORE C. SANT, J.)

PS.B.