

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

WRIT PETITION NO. 10446 OF 2015

Kamalbai @ Babita Ramrao Patil .. Petitioner

Versus

Sumanbai Tukaram Kshirsagar and others .. Respondents

Mr. G. N. Chincholkar, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondent No. 6.

**WITH
CIVIL APPLICATION NO. 11733 OF 2017
IN
WP/10446/2015**

Kamalbai @ Babita Ramrao Patil .. Petitioner

Versus

Sumanbai Tukaram Kshirsagar and others .. Respondents

Mr. G. N. Chincholkar, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondent No. 6.

CORAM : KISHORE C. SANT, J.

DATED : 26th JULY, 2023.

P. C. :-

. Heard learned advocate for the petitioner for some time.

2. Though the notices are served on respondent Nos. 1 to 5, none appears for them. Learned A.G.P. appears for respondent No. 6 – State.

3. The petition is filed challenging the order dated 08.09.2015 passed by the learned Additional Commissioner, Division Aurangabad, Aurangabad in Case No. ROR/Review Petition/262/2013/L in review. By entertaining the review application the learned Additional Commissioner set aside the order dated 18.06.2013 passed by the Deputy Commissioner (Entertainment Duty), Aurangabad and confirmed the order passed by the Additional Collector, Latur in respect of disputed mutation entry No. 259. The learned Collector had cancelled the mutation entry No. 259 till decision of the competent Civil Court and the High Court referring the civil suit. The order is passed subject to outcome of final decision of the competent Civil Court and this Court in the civil suits referred to in the order.

4. Learned advocate for the petitioner submits that, even his Regular Civil Suit No. 219/2015 is also pending in the Civil Court. Today, learned advocate also produces on record certificate issued by the State Bank of India giving no objection to remove the hypothecation charge created in favour of Udgir Branch on the land Survey Nos. 7, 8/1, 9/1, 16/1, agricultural Gat Nos. 14 and 15 of Udgir, District Latur. Out of these properties the petitioners' concern as regards to the land Survey No. 7 i.e. converted into Gat No. 14 to the extent of 1 Hectare 92 R.

5. Considering this position, this petition can conveniently be disposed off by directing the petitioner to approach the appropriate authorities in respect of the mutation entries by pointing out that no dues certificate. For this purpose the impugned order is set aside with keeping the contentions of the petitioner open as it is.

6. The petitioner is also at liberty to approach the learned Commissioner afresh. The order in review is therefore set aside.

7. The writ petition stands disposed off.

8. In view of disposal of the writ petition, civil application also stands disposed off.

(KISHORE C. SANT, J.)

PS.B.