

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

934 WRIT PETITION NO.12355 OF 2017
WITH CA/2082/2023 IN WP/12355/2017

**KUSUMBAI DINKAR PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. R.M. Deshmukh
AGP for Respondents 1 to 5 : Mr. K.N. Lokhande
Advocate for Respondents 6A & 6B : Mr. P.B. Patil
...

**CORAM : ARUN R. PEDNEKER, J.
DATED : 22/08/2023**

PER COURT :

1. Heard the learned counsel for respective parties.
2. It is undisputed that the parties to the present proceedings have filed suit for the same land for declaration of title and injunction and the same is pending before the Civil Court. The present matter relates to the crop entry as is recorded in pursuance of possession and cultivation of the suit property.
3. In the present proceeding the petitioner has challenged the order passed by the Additional Commissioner, Nashik Division, Nashik dismissing the revision petition filed by the petitioner and confirming the orders passed by the District Collector. It is the contention of the petitioner that the petitioner is in cultivating possession of the land and that the application filed by the petitioner for crop entry was allowed by the Nayab Tahsildar. However, the Appellate Authority has reversed the same and the revisional authority has maintained the order.
4. Since there is civil suit for declaration of title and injunction, any observations made in this petition would prejudice parties to the suit filed

before the Civil Court. The Civil Court to decide the suit on it's own merits and also the application for injunction is to be considered and decided. The decision in the present proceedings initiated before the Revenue authorities would be subject to the outcome of R.C.S. No. 174/2017 pending before the Civil Judge, Junior Division, Chalisgaon and the party succeeding in the civil suit would be entitled to make necessary application for correction of revenue record.

5. Status-quo as of today be maintained till the Civil Court decides the application for injunction. The Trial Court should make endeavour to decide the temporary injunction application within a period of eight weeks from the date of receipt of this order.

6. The writ petition is disposed of accordingly. All pending civil applications are also disposed of.

[ARUN R. PEDNEKER J.]

ssc/