

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

102 WRIT PETITION NO.14357 OF 2017

ARVIND VISHNU YEOLE AND ANOTHER
VERSUS
SHAM BHAGWANDAS AGRAWAL AND OTHERS

...

Advocate for Petitioners : Senior Advocate Mr. V. J. Dixit i/b Sangeet
Minakshi L.

AGP for Respondents-State : Mr. N. T. Bhagat

Advocate for Respondents 1A to 1C: Senior Advocate Mr. R. S.
Deshmukh a/w Mr. Jay Veer i/b Mr. D. R. Deshmukh

...

CORAM : ARUN R. PEDNEKER, J.
DATE : 30/10/2023

PER COURT :

1. By the present petition the petitioners are challenging the order passed by the Hon'ble Minister whereby the Hon'ble Minister has held that the sale deeds in favour of the petitioners could not have been executed by the vendor as the original vendor had sold his property to other buyers and he was not left with any property to sell.
2. The learned Advocate for the petitioners submits that it is beyond the jurisdiction of the Hon'ble Minister to pass such an order, as the validity of the sale-deed can be determined only of the Civil Court.
3. Heard the learned Advocate appearing on behalf of the respective parties.

4. The learned Advocate appearing on behalf of the respondents also submits that there is a civil suit pending between the parties qua the same property i.e. Regular Civil Suit No.08 of 2009 for possession of the encroached property. The civil suit is pending before the Civil Judge, Junior Division, Chalisgaon.

5. In the circumstances, it is directed that the mutation entry in the instant case is made subject to the decision of the Civil Court. Mutation entry to be rectified based on the decision of the Civil Court in above Civil Suit No.08 of 2009.

6. During the pendency of the civil suit, the Status-quo order passed in this Writ Petition No.14357 of 2017 to continue to operate till the final decision of the civil suit. The writ petition stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.