IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13553 OF 2018

Shri. Prakash Trimbak Telang & Others ...Petitioners

Versus

Sudhamati Gopal Telang & Others ...Respondents

…

Mr. Ajay A. Joshi, for Petitioners.

Mr. Sarang S. Aradhye a/w Ms. Gauri Velankar for Respondent Nos.2 & 3.

Mr. P. P. Pujari, A.G.P. for Respondent Nos.5 to 8.

…

CORAM : SANDEEP V. MARNE, J.
DATE : OCTOBER 25, 2023

P.C.:

1. In the present Petition the Petitioner has challenged order dated 02 May 2017 passed by the Additional Divisional Commissioner, Pune rejecting his Revision filed challenging the order of the Additional Collector. The Additional Collector in turn had rejected Petitioners' Appeal and had confirmed the decision of the Sub Divisional Officer, Pandharpur. The Sub Divisional Officer had rejected Petitioners' Appeal and had upheld the decision of Tahsildar Pandharpur dated 18 September 2014 for cancellation of Mutation Entry Nos.11657 & 11658.

2. In ordinary course, the Petitioner has alternate and equally efficacious remedy of filing second revision before the State Government under Section 257 of the Maharashtra Land Revenue Code.

3. However, it appears that Regular Civil Suit No.273 of 2010 is already pending between the parties, wherein the issue of validity of family settlement/partition dated 07 December 1966 is also involved.

4. Mr. Joshi, the learned counsel appearing for the Petitioners would contend that the Revenue Authorities do not have jurisdiction to rule upon the validity of the family settlement/partition dated 07 December 1966. According to him the Civil Court can alone decide the issue of validity of said family settlement/partition.

5. Since Regular Civil Suit No.273 of 2010 is already pending between the parties, all issues with regard to the rights and entitlements of the parties to the property in question would ultimately be determined in that suit. It is well settled position that the revenue entries made for fiscal purposes are not indicative any adjudication between the parties about their rights and entitlements in respect of the concerned property. In that view of the matter, instead of relegating the Petitioners to a further remedy of second revision

before the State Government under Section 257 of the Code, it is appropriate to dispose of this Petition by directing that the Revenue Authorities would be bound by the orders that may be passed by the Civil Court in Regular Civil Suit No.273 of 2010. The revenue entries would accordingly be subject to the final outcome of Regular Civil Suit No.273 of 2010.

6. With the above clarifications, the Writ Petition is disposed of.

(SANDEEP V. MARNE, J.)