

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2236 OF 2018

Shri. Chandubhai Ramshankar

Raval (since deceased) thr. LRS.

...Petitioners

V/s.

Smt. Shakuntala Ishwarlal Dalal

and Ors.

...Respondents

WITH
WRIT PETITION NO. 5934 OF 2023

Sunil Mukesh Mistry

...Petitioner

V/s.

Shri. Badruddin Abbas Patel

and Ors.

...Respondents

Mr. Nitin Gangal a/w. Mr. Ashok Kadam, Ms. Prerna Shukla and Prapti Karkera, for Petitioner in WP-2236 of 2018.

Ms. Dhruvee Patel i/by. Economic Laws Practice for Respondent No.1.

Mr. Kishor Patil a/w. Mr. Amol P. Mhatre, for Petitioner in WP-5934 of 2023 and for Respondent No.14 in WP-2236 of 2018.

Mr. A.P. Vanarse, AGP for State.

CORAM : SANDEEP V. MARNE, J.

DATED : 12 DECEMBER 2023.

P.C. :

1) Writ Petition No. 2236 of 2018 is filed by Petitioners challenging Order dated 24 March 2017 passed by the Minister, Revenue rejecting the review application. It appears that the Order dated 24 March 2017 decides total four Revision Applications. One of the Revisions Applications were filed by Baddruddin Abbas Patel. The said Baddruddin Abbas Patel filed separate Writ Petition No. 8314 of 2017 challenging the Minister's Order dated 24 March 2017. The Writ Petition was however unsuccessfully withdrawn on 13 April 2018. After withdrawal of the Writ Petition, it appears that the said Badruddin Abbas Patel filed an application for review before the Minister, Revenue. The Review Petition was entertained and the Minister, Revenue proceeded to allow the Review Petition by modifying the Order dated 24 March 2017 and confirming the Mutation Entry No.692. Writ Petition No. 5934 of 2023 is filed challenging the Order of Minister, Revenue passed in Review Petition filed by Badruddin Abbas Patel.

2. There is no dispute to the position that there are as many as five suits pending between the parties claiming right, title and interest in the lands in question. The details of the suits are as under :

(i) Special Civil Suit No. 30 of 2015

(ii) Special Civil Suit No. 90 of 2010.

(iii) Special Civil Suit No. 4 of 2017.

(iv) Special Civil Suit No. 17 of 2015.

(v) Special Civil Suit No. 42 of 2014.

3. There can be no dispute to the proposition that the revenue entries made for fiscal purposes are not determinative of the rights and entitlement of parties to the land in question. Consequently, it is the Civil Court who will decide as to who is entitled to claim right, title and interest in the land in question. Since five suits are already pending between the parties, it would be appropriate that the revenue entries are made subject to the outcome of the said suits. The apprehension expressed today is that the parties in whose favour the revenue entries stand today are likely to misuse such entries for the purpose of creating rights in favour of such third parties to the land in question.

4. In my view, this aspect can be adequately taken care of by directing the parties to maintain *status-quo* in respect of the land in

question till the decision of the said five suits. In view of this position prevailing, it is not really necessary to determine the correctness of either the original Order dated 24 March 2017 passed by the Minister, Revenue or the subsequent Order dated 8 June 2022 passed by him in the Review Petition.

5. The petitions are accordingly **disposed of** directing that the parties in whose favour the revenue entries exist as on date, shall not create any third party rights and shall maintain *status-quo* in respect of the lands in question till decision of Special Civil Suit No. 30 of 2015, Special Civil Suit No.90 of 2010, Special Civil Suit No.4 of 2017, Special Civil Suit No.17 of 2015 and Special Civil Suit No. 42 of 2014. It is further directed that the revenue entries would further be subject to the orders that would be passed by the Civil Court in Special Civil Suit No. 30 of 2015, Special Civil Suit No.90 of 2010, Special Civil Suit No.4 of 2017, Special Civil Suit No.17 of 2015 and Special Civil Suit No. 42 of 2014. With the above directions, the Writ Petitions are **disposed of**.

NEETA
SHAILESH
SAWANT

SANDEEP V. MARNE, J.

Digitally signed by
NEETA SHAILESH
SAWANT

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