

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1322 OF 2018

Smt. Hirubai Vasant Bhoir & Ors.

..Petitioners

Vs.

Keshav Raghunath Patil & Ors.

...Respondents

Mr. Shriram Kulkarni i/b. Mr. Dinesh Khaire for Petitioners.
Mr. Sachin Kankal, AGP for State.

CORAM : G.S. KULKARNI, J.

DATE : FEBRUARY 10, 2023

P.C.:

1. Heard Mr. Kulkarni, learned counsel for the petitioners and Mr. Kankal, learned AGP for respondent no.12.

2. The order impugned in this petition is an order dated 08 September, 2017 passed by the Hon'ble Revenue Minister, Maharashtra State in RTS Revision Application No.27A/16/pra.kra.499/J-4 A, dismissing the revision application as filed by the petitioners thereby confining the order dated 02 February, 2016 passed by the Additional Commissioner, Konkan Division in appeal No. 570 of 2012.

3. Mr. Kulkarni, learned counsel for the petitioners has fairly stated that the petitioners have already instituted a Civil Suit before the Civil Judge, Junior Division, at Vasai being Regular Suit No. 297 of 2021 (Hirubai Vasant Bhoir & Ors. vs. Keshav Raghunath Patil & Ors.). He submits that the substantive rights of the petitioners which would include a real entitlement whether would vest with the respondents to have the benefit of mutation entry, would also be a question which would stand decided in the suit on the basis of legal rights of the parties. Perusal of the record indicates that there was no interim protection in any manner which was granted to the petitioners.

4. In the aforesaid circumstances, in my opinion, it is appropriate that the parties are at liberty to urge their respective contentions in the pending suit as noted above so that subject to adjudication of the said suit, the parties can assert their respective contentions in regard to the revenue record.

5. With these observations, the petition stands disposed of. No costs.

[G.S. KULKARNI, J.]