

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1755 OF 2018

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Shantabai Pandurang Jadhav Patil & Ors ... Petitioners

V/s.

Secretary & Special Execution Officer
(Appeals) & Ors

... Respondents

Mr. Pramod G. Kathane, for Petitioners.

Mr. V. R. Raje, AGP for State/Respondent Nos.1 to 3.

Mr. S. G. Deshmukh i/by Ms. Priya A. Patil, for
Respondent Nos.4B, 7A, 10-D, 11, 18 & 15 to 19.

CORAM : AMIT BORKAR, J.

DATED : APRIL 1, 2024

P.C.:

1. The writ petition arises out of proceedings under Section 148 and 149 of the Maharashtra Land Revenue Code, 1966. It is well settled that the mutation entry neither create nor extinguish the rights over the immovable property. The remedy of aggrieved party is to file substantive civil suit to get his rights declared before the Civil Court.

2. It is informed that the petitioners have already filed Civil Suit No.25 of 2018 seeking relief of declaration of ownership and for injunction. It is, therefore, made clear that the rights of the parties to the present writ petition shall be governed by the final

decision of Civil Suit No.25 of 2018. It is also informed that the Appellate Court while deciding the application for temporary injunction had granted interim relief till disposal of the present writ petition. Considering the controversy involved, the order shall remain in force during pendency of the suit.

3. With this clarification, the writ petition stands disposed of.
No costs.

(AMIT BORKAR, J.)