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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10644 OF 2017

Suresh Kantilal Jain … Petitioner
Vs.
Minister (Revenue) … Respondents
Maharashtra State and Others

Mr. Nitin V. Gangal a/w. Ms. Prerna Shukla and Ashok Kadam i/b. M/s. A. Bharat and Co. for the Petitioner.
Mr. P. P.Pujari, AGP for Respondent Nos. 1 and 2.
Mr. Kishor Patil a/w. Mr. Amol Mhatre and Mr. Sameer Mhatre for Respondent No. 15.

CORAM : GAURI GODSE, J.
DATE : 9th JANUARY 2024

P.C.

1. On 5th January 2024 learned counsel appearing for respondent no. 15 had placed on record an order dated 12th December 2023 passed by this court in connected petitions. Those connected petitions were arising out of a common judgment which is impugned in the present petition. Learned counsel for the petitioner had taken time to take instructions with respect to the same.

2. It is not disputed by any party that the judgment and order impugned in this petition was a common judgment and order passed in five different Revision Applications. Writ Petition Nos. 2236 of 2018 and 5934 of 2023 arising out of the same common judgment is disposed of by this court on 12th December 2023. The relevant paragraph nos. 2 to 5 of the said order dated 12th December 2023 are reproduced below :

> *"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."

3. The parties agree that even the present petition can be disposed of in terms of the order dated 12th December 2023 which is reproduced above. In view of the aforesaid, the present petition is also disposed of on the same terms. The petition is disposed of directing that the parties in whose favor the revenue entries exist as of date, shall not create any third-party rights and shall maintain status-quo in respect of the lands in question till the 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.

4. Parties agree that they will cooperate for early disposal of the suits and make an application before the Trial Court for early disposal of the suit which is pending between the parties.

[GAURI GODSE, J.]