

Shabnoor

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

WRIT PETITION NO.6590 OF 2014

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Jaysing Gangaram Chavan & Ors ... Petitioners
V/s.
Ananda Vithoba Chavan & Ors ... Respondents

Mr. Pratap Patil, for Petitioners.

Mr. Bhushan Walimbe, for Respondent Nos.1 to 4.

CORAM : AMIT BORKAR, J.

DATED : APRIL 2, 2024

P.C.:

1. The writ petition arises out of order passed by the State Government exercising power under Section 257 of the Maharashtra Land Revenue Code, 1966 thereby setting aside order passed by the Commissioner and the Additional Collector and confirming the orders of Sub-Divisional Officer and Tehsildar.

2. The dispute between the parties arises out of compromise decree in Regular Civil Suit No.160 of 1948. By consent decree dated 28 July 1949, the parties agreed to pay certain amount to other side and on default certain consequences were provided. Whether clause (2) operates or not needs to be adjudicated in appropriately instituted proceeding by the aggrieved party. However, such adjudication of interpretation of consent decree is

beyond purview of scope of an enquiry under Section 149 of the Maharashtra Land Revenue Code, 1966. Therefore, based on registered document, the Revenue Authorities exercised power in favour of respondent No.1. It is well settled that mere entry in the revenue record will neither create nor extinguish substantive rights of the parties over the immovable property and, therefore, remedy of the aggrieved person is to approach the Civil Court to get his right adjudicated in substantive proceeding. Therefore, by keeping all questions relating to consent decree dated 28 July 1949 open to be agitated in appropriately instituted substantive proceeding. The writ petition stands disposed of in above terms. No costs.

3. In view of disposal of writ petition, pending application, if any, stand disposed of.

(AMIT BORKAR, J.)