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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3140 OF 2019

Dayaram Parashram Kasture and Others ... Petitioners
Vs.
The State of Maharashtra and Others ... Respondents

WITH
INTERIM APPLICATION NO. 3505 OF 2020
IN
CIVIL WRIT PETITION NO. 3140 OF 2019

Shri Ambadas Parashram Kasture and Others ... Applicants
In the matter between
Dayaram Parashram Kasture and Others ... Petitioners
Vs.
The State of Maharashtra and Others ... Respondents

Mr. Kavyal P. Shah for the Petitioners.
Mr. Rahul Motkari for Respondent Nos. 2 to 6.
Mr. Jeenal Upadhyay for Respondent No. 7.

CORAM : GAURI GODSE, J.

DATE : 12th MARCH 2024

P.C.

1. This petition takes exception to order passed by the learned Minister setting aside the order passed in favour of the petitioners restoring the revenue entries in the name of the petitioners in respect of Survey no. 491.
2. The petitioners are claiming right on the basis of registered Will jointly executed by deceased Parasharam Kasture and his wife Chandrabhaga. So far as the relations of the petitioners and respondents are concerned, the same is not disputed, however the petitioners right to claim under the Will is disputed by respondent nos. 2 to 7. The said respondents have filed Civil Suit seeking partition and separate possession and have also challenged the Will executed in favour of the petitioners.
3. It is not in dispute that the registered Will was given effect in the revenue records during the life time of one of the testators. Hence, by the impugned order the learned Minister has set aside the order passed in favour of the petitioners, on the said ground and also on the ground that the dispute between the parties is pending in the Civil Suit.
4. The revenue entries are always subject to outcome of the Civil

proceedings pending between the parties or subject to any title document executed in favour of the party claiming to have right in the property. Thus, the entry in the revenue records are not final adjudication of rights and in the present case would be subject to decision of the pending suit initiated by the aforesaid respondents.

5. Hence, I do not see any reason to invoke writ jurisdiction under Article 227 of the Constitution of India for interfering in the impugned order.

6. Writ Petition is therefore dismissed with a clarification that the revenue entries in respect of the property in dispute shall be subject to outcome of the Regular Civil Suit No. 68 of 2014.

7. In view of the disposal of the writ petition, pending interim application stands disposed of as infructuous.

[GAURI GODSE, J.]