



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1186 OF 2023

Sidram Ramdas Darnulwar,
Age- 52 years, Occu.- Tailoring,
R/o. Tekale Galli, Deglur,
Tal. Deglur, Dist. Nanded

... PETITIONER

VERSUS

1. The State of Maharashtra
through its Ministry of Rural
Development and Panchayat Raj,
Mantralaya, Mumbai.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Block Development Officer,
Panchayat Samiti, Naygaon,
Dist. Nanded.
4. The Village Panchayat, Rui Khurd,
Tal. Naygaon, Dist. Nanded.

... RESPONDENTS

...
Advocate for the Petitioner : Mr. Shaikh Mazhar A. Jahagirdar
AGP for the Respondent – State : Mr. A.M. Phule
Advocate for Respondent no. 4 : Ms. Sheetal Salunke
Advocate for Respondent No. 2 and 3 : Ms. Preeti Diggikar
...

**CORAM : ALOK ARADHE, CJ. &
RAVINDRA V. GHUGE , J.**

DATE : 19 MARCH 2025

ORAL JUDGMENT (PER – RAVINDRA V. GHUGE, J.):-

1. Rule. Rule made returnable forthwith and heard finally
by the consent of the parties.

2. The Petitioner has put forth prayer clauses (B) and (C), as under :-

"B) To issue directions the respondent authorities to mutate the name of petitioner over his property bearing Grampanchayat Property No. 148, situated at village Rui Khurd, Tal. Naygaon (Khai), Dist. Nanded admeasuring 1089 sq.ft., by issuing writ of mandamus or any other writ of like nature;

C) To direct the respondent authorities to mutate the name of petitioner over his property bearing Grampanchayat Property No. 148, situated at village Rui Khurd, Tal. Naygaon (Khai), Dist. Nanded admeasuring 1089 sq.ft., pending hearing and final disposal of present writ petition."

3. The learned Advocate for the Petitioner has sought a mutation entry with regard to his ancestral property bearing Gram Panchayat Property No. 148, situated at village Rui (Khurd), Taluka – Naygaon (Khai), District – Nanded. He places reliance upon the judgment and order of the learned Civil Judge, Junior Division, Naygaon in Regular Civil Suit No. 109 of 2015, dated 12.12.2015.

4. Grievance is that despite there being a decree, the Gram Panchayat is not carrying out the property entry on the ground that one more Regular Civil Suit No. 18 of 2016 is pending. One Narayan Jaiwanta Kanole is stated to be the Plaintiff in that Suit. An Appeal was preferred before the District Judge, Biloli vide

Appeal No. 05 of 2020. The learned Advocate for the Petitioner submits that the said Appeal was in relation to the injunction sought from the Civil Court and the same has already been disposed off. So also, Regular Civil Suit No. 18 of 2016 has been disposed off for want of appearance of the plaintiff to initiate steps under Order IX Rule 3 of the Code of Civil Procedure.

5. This Court has delivered a verdict in ***Shrikant R. Sankanwar and Cothers Vs. Krishna Balu Naukudkar***¹, concluding that revenue entries do not decide the title, interest and right of any person in any immovable property. They are meant only for fiscal purposes. If a decree of the competent Civil Court settles the rights of the parties, the Revenue Authorities are duty bound to carry out the revenue entries in terms of such judgment and decree and not vice-a-versa.

6. In view of the above, this Petition is disposed off with a direction to Respondent No. 4 to deal with the Application of the Petitioner and carry out appropriate entries in its records in the light of the judgment and decree dated 12.12.2015. Needless to state, this would be subject to any further litigation / orders of any Court in relation to the said civil litigation. If there is no legal

¹ (2003) 2 MhLJ 276

impediment, appropriate steps shall be initiated within a period of 60 days from today, by following the due procedure of law.

7. Rule is discharged.

[RAVINDRA V. GHUGE, J.]

[CHIEF JUSTICE]

arp/