IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1279 OF 2023

Pallavi w/o. Bhupendra Giri **PETITIONER**
(Ori. Respondent)

VERSUS

1. The State of Maharashtra
Through its Secretary
2. Jeevan Gorakshanath Khilari
3. Nutan w/o. Jeevan Khilari
4. Vaishnavi d/o. Jeevan Khilari
5. Aryan s/o. Jeevan Khilari
6. Snehal d/o. Jeevan Khilari **RESPONDENTS**
(Ori. Applicants)

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Mr. Amol N. Kakade – Advocate for Petitioner
Mr. R.B. Dhaware – AGP for Respondent No.1, State
Mr. N.B. Narwade – Advocate for Respondent Nos.2 to 6

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 03.12.2025

J U D G M E N T :

1. Rule. Rule made returnable forthwith. By consent of the parties the petition is heard finally.

2. Heard learned Counsel – Mr. Amol Kakade for the petitioner, learned A.G.P. for respondent No.1, State and learned Counsel – Mr. N.B.

Narwade for respondent Nos.2 to 6.

3. The petitioner challenges the order dated 11.11.2022 passed by Minister in R.T.S. – 3322/2980/Case No. 143/J–6, whereby the revision application filed by the respondent Nos.2 to 6 came to be allowed.

4. Learned Counsel for the petitioner submits that property was purchased by the petitioner and respondent No.2 by way of a registered sale–deed in the year 2018. Subsequently, certain disputes arose between them and, therefore, a suit came to be filed, which was ultimately compromised between the parties. As per the said compromise, the petitioner was held entitled to 56R land and respondent No.2 to 4R land. On the basis of compromise, an application was filed for recording their names before the Revenue Authorities and accordingly, mutation entries were effected.

5. Subsequently, respondent No.2 filed an application alleging that the said compromise was obtained by fraud. It is therefore submitted that the mutation ought not to have been allowed on the allegation of fraud.

6. Learned Counsel for respondent No.2 submits that two suits were filed; one by respondent No.2 (R.C.S. No.8/2019) and another by the wife of respondent No.2 (R.C.S. No.663/2020).

7. I have considered the submissions advanced by the learned Counsel

for the parties and perused the impugned order. It appears that the subsequent suit, wherein the compromise decree has been challenged, shall take its own course and it is for the concerned Court to decide the matter on its own merits. However, until the compromise decree is set aside, the revenue authorities were not supposed to interfere with the mutation entries already in effect. The revenue authorities without considering the earlier *ad–idem* proceeding and without properly appreciating the fact that the compromise decree was already passed and not set aside by any competent Court, interfered with the mutation. The compromise decree is binding upon both parties and therefore the mutation entries effected pursuant to the compromise ought to have been maintained. Therefore, the order passed the learned Minister dated 11.11.2022 is liable to be quashed and set aside. Hence, following order :

ORDER

(i) The Writ Petition is allowed.

(ii) The order dated 11.11.2022 passed by Minister in R.T.S. – 3322/2980/Case No. 143/J–6 is quashed and set aside.

(iii) It is made clear that if the suits bearing R.C.S. No.663/2020 filed by wife of respondent No.2 and R.C.S. No.8/2019 filed by respondent No.2 are decreed, the authorities shall take mutation entries pursuant to such decrees.

(iv) Rule made absolute in above terms.

(v) Pending civil applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/