



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

3 WRIT PETITION NO. 5050 OF 2025

Abdul Wahed Sk Ameer

VERSUS

Abdul Samad Nazmoddin Hawaldar Died Through Lrs
Latifabee Abdul Samad Shaikh Died Thr Lrs And Ors

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Advocate for Petitioner : Mr. Vakil Afzal Husain M.

CORAM : S. G. CHAPALGAONKAR, J.

Dated : July 22, 2025

PER COURT :-

1. An order dated 26.3.2024 passed by the learned Additional Divisional Commissioner, Chhatrapati Sambhajinagr and order dated 27.5.2022 passed by the Chief Officer, Municipal Council, Kannad thereby rejecting objection of the petitioner to mutation entry taken in the name of Faheem s/o Moinuddin Shaikh and others is assailed in this Writ Petition.

2. Learned counsel appearing for petitioner submits that petitioner has right in the property which is subject matter of mutation and excluding their right mutation has been recorded in the name of respondent nos. 2 to 4 only. Learned counsel invites attention of this Court to the copy of plaint in R.C.S. No.76 of 2021 filed by petitioner before the C.J.J.D. at Kannad seeking decree of partition and separate possession in

respect of the Municipal House No.3-3-63 and 10/50 and other properties.

3. It is apparent that petitioner is asserting his right in respect of property, which has been mutated in the name of respondent no.2 by order passed by Chief Officer. The objection raised by petitioner before the C.E.O. for such mutation has been rejected and order of C.E.O. is now confirmed by the Additional Divisional Commissioner. In this background, when petitioner has already instituted R.C.S. No.76 of 2021, rights of the parties shall be governed by final outcome of the suit.

4. In that view of the matter, no interference is required in the impugned order. However, it is made clear that mutation recorded in the name of respondent nos.2 to 4 shall be subject to final outcome of R.C.S. No.76 of 2021 pending before the Civil Judge J.D., Kannad. Writ Petition stands **disposed of.**

(S. G. CHAPALGAONKAR, J.)

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