



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

WRIT PETITION NO. 8651 OF 2024

Mukteshwar Manikrao Shetkar

VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

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Advocate for the Petitioner : Mr. Shermale K. N.

AGP for Respondent/State : Mr. V.M. Chate

Advocate for Respondent No.7 : Mr. N.P. Patil Jamalpurkar

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CORAM : ROHIT W. JOSHI, J.

DATE : 19th AUGUST, 2025

P.C.:

1. The petitioner is aggrieved by the order of Hon'ble Minister (Revenue), Government of Maharashtra in Revision No. Appeal/2023/Pra.Kra.205/J-7A dated 19.07.2024 whereby revision preferred by respondent no.7 against order dated 05.07.2023 and 27.09.2022 passed by Additional Commissioner, Aurangabad in Review Application No.265 of 2022 so also Revision No. 2022/ROR/Rev/Review/CR/265 came to be allowed.

2. The petitioner and respondent no.7 are sons of one Manikrao Shetkar. The petitioner has filed a suit for partition and separate possession with respect to properties of family, which according to him are joint family properties being Special Civil Suit No.70 of 2018. The said suit is pending. The dispute in the present petition pertains to land bearing Gat No.332/2 of Village Nalgir which is also one of the suit property.

3. The case of respondent no.7 is that the father had executed a registered gift deed dated 30.11.2017 in his favour by virtue of which the said property was mutated in his name. The petitioner had initially filed appeal before the Sub-Divisional Officer challenging the said mutation entry. The said appeal was dismissed by the learned Sub-Divisional Officer vide order dated 13.03.2019 on the ground that mutation was carried out on the basis of registered document, correctness or validity whereof could not be adjudicated by the revenue authority. The second appeal preferred by the petitioner came to be dismissed by the learned Additional Collector vide order dated 30.08.2019 for the same reason. The petitioner thereafter filed a revision before the learned Additional Commissioner which came to be allowed vide order dated 27.09.2022. The learned Additional Commissioner has observed that the revenue record did not indicate that the property in question was self acquired property of father Manikrao. The respondent no.7 filed an application for review which was also rejected. The respondent no.7 thereafter filed second revision before the Hon'ble Minister which came to be allowed as aforesaid. The Hon'ble Minister has also observed that the mutation entry taken on the basis of registered document was *prima facie* valid and that it was beyond jurisdiction of revenue authorities to deal with the validity or otherwise of the gift deed. It is also observed that as to whether the

property is self acquired property of father or is ancestral property should be decided by the competent Civil Court and not by revenue authority.

4. Being aggrieved by the aforesaid order passed by Hon'ble Minister, the petitioner has filed the present petition. It appears from the record that property was purchased by Manikrao, the father of parties. The contention of learned advocate for petitioner that although the property was purchased by father, it was purchased from funds of joint family cannot be gone into by the revenue authority. In that view of the matter, no case is made out for interference in the order passed by the Hon'ble Minister. Writ Petition is dismissed.

5. However, it needs to be mention that although there is an order of *status quo* passed by the learned Civil Court restraining respondent no.7 from creating third party interest in the suit property, there is allegation by the petitioner that the third party interest is tried to be created in defiance of the order. In that view of the matter, the ends of justice would be subserved by directing revenue authority to take entry about pending civil suit and the name of parties therein in other rights column by mentioning that the order of *status quo* against creation of third party interest is passed by the learned Civil Court. This opinion of the Court would be sufficient to safeguard the interest of petitioner.

[ROHIT W. JOSHI J.]