IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 10874 Of 2022

1. Mubark bin Islambin Chaus
   Age : 49 years, Occ. : Agriculture,
   R/o. Plot No.104, Mhada Colony,
   Champa Chowk, Aurangabad.

2. Arun Sheshrao Deshmukh,
   Age : 51 years, Occ. : Agriculture.

3. Anil Sheshrao Deshmukh,
   Age : 40 years, Occ.: Agriculture.

4. Fakirrao Sheshrao Deshmukh,
   Age : 46 years, Occ.: Agriculture

Petitioner No.2 to 4 R/o. Deshmukh Galli,
Tal. Bhokardan, Dist. Jalna. **...Petitioners**

VERSUS

1. State of Maharashtra
   Through its Hon'ble Minister of State,
   Revenue Department,
   Mantralaya, Mumbai.

2. The Additional Divisional Commissioner, Aurangabad
   At the Commissioner Office,
   Delhi Gate, Tal. & Dist. Aurangabad.

3. The Additional Collector, Jalna,
   At the Collector Office,
   Tal. & Dist. Jalna.

4. The Sub-divisional Officer, Bhokardhan,
   At the Tahsil Office,
   Tal. Bhokardhan, Dist. Jalna.

5. The Talathi,
Tal. Bhokardhan, Dist. Jalna.

6. Farzana Begum w/o Taleb-bin Chaus
Age : 64 years, Occ. : Agriculture,
R/o. Bhokardhan, Tal. Bhokardhan,
Dist. Jalna. **...Respondents**

...

Advocate for the Petitioners : Mr. Ashutosh S. Kulkarni h/f
Mr. Deshpande Jagdish V.

AGP for Respondent Nos. 1 to 5 : Mr. B. B. Bhise

Advocate for Respondent No.6 : Mr. Shaikh Mujtaba Gulam Mustafa

...

CORAM : ROHIT W. JOSHI, J.

DATE : 12th AUGUST 2025

PER COURT :

1. The dispute in the present petition pertains to mutation with respect to land bearing Survey No.147 situated in Village Bhokardan, Tahasil Bhokardan, District Jalna. The total area of the said Survey No.147 is 9 Acre 25 Ghuntas i.e. 3H 85R. Initially area admeasuring 2H 41R was recorded in the name of father of the Petitioner and 1H 44R land was recorded in the name of husband of Respondent No.6. In the year 2000, however the entries were reversed inasmuch as 1.44 HR land in Survey No.147 is shown in the name of father of the Petitioner and 2.41 HR land is shown in the name of husband of the Respondent No.6. The Petitioner, therefore, filed an application before the Sub-divisional Officer for correction of area in the revenue record. The Sub-divisional Officer treated the application as an appeal and allowed the same vide order dated

25.03.2017. By the said order, 2.41 HR land was ordered to be recorded in the name of the Petitioner No.1 and 1.44 HR land was ordered to be recorded in the name of Respondent No.6. The Sub-divisional Officer has also observed that since 0.40 HR land was already sold by the Respondent No.6 to some third person, the area to be recorded in her name should be 1.04 HR land. The Respondent No.6 filed appeal challenging the order dated 17.03.2017 passed by the Sub-divisional Officer before the Additional Collector. The appeal preferred before the learned Additional Collector was dismissed vide order dated 25.05.2018. The Respondent No.6 thereafter preferred revision before the learned Divisional Commissioner which was also rejected vide order dated 24.07.2019. However the second revision preferred by the Respondent No.6 came to be allowed vide order dated 20.06.2022. The Honourable Minister while allowing the revision has held that the application was beyond scope of Section 155 of the MLR Code, the revenue authorities had not taken into consideration the sale deed executed by father of the Petitioner in favour of Respondent No.6 and that Civil Suit No.8/2018 filed by the Respondent No.6 was pending and therefore revenue entry with respect to the said land be recorded as per decree to be passed in the said suit.

2. Learned Counsel for the Petitioners contends that undisputedly since beginning the area of 2.41 HR is recorded in the name of his father and 1.44 HR land was recorded in the name of husband of Respondent No.6. He contends that it is only on account

of some clerical mistake in the year 2000 that the entries are reversed and the area of the Petitioners is shown as 1.44 HR as against 2.41 HR recorded in the name of husband of Respondent No.6. Learned Counsel therefore, contends that three concurrent orders passed by the authorities ought not to have been upset by the Honourable Minister while allowing second revision.

3. Per contra, learned Counsel for the Respondent No.6 draws attention to the mutation entry no. 134 under which the entire area of Survey No.147 is recorded in the name of the husband of Respondent No.6. He contends that the entire land is in possession of the husband of Respondent No.6 and after his demise in the possession of Respondent No.6. He refers to 7/12 extract of the said Survey number for the years 1973-1974, 1974-1975 and onwards wherein husband of Respondent No.6 is shown to be in possession of the entire land. Learned Counsel states that after the demise of husband of Respondent No.6, the entire land is mutated in the name of Respondent No.6. Likewise he makes a reference to 7/12 extract for the year 1990-1991 in which entire area wherein 3.24 HR land is shown in the name of husband of Respondent No.6 and after his demise, in the name of Respondent No.6. This 7/12 extract has a reference to mutation entry no.1042. As per mutation entry no.1042, name of Respondent No.6 is recorded in the revenue record on demise of husband of Respondent No.6. The said mutation entry no.1042 was challenged by the father of the Petitioner and thereafter the Petitioner also by filing appeals before the Sub-divisional Officer

being Appeal No.95/ROR/CR-5 and Appeal No.30/2024, both of which have been dismissed on 30.08.1999 and 11.02.2025 respectively.

4. It is well settled that entries of mutation do not confer any title. Mutation entries are made only for fiscal purposes. The rights of parties do not depend upon the entries in revenue record. In the present case it appears that rightly or wrongly name of the Respondent No.6 is reflected as owner. Prior to this, 3.24 HR land is shown in the name of Respondent No.6 and her deceased husband. The possession column also shows possession of entire land in the name of husband of Respondent No.6 and thereafter in the name of Respondent No.6. In that view of the matter, this Court is of the opinion that the order passed by the Minister does not warrant any interference. Needless to mention that a suit being Regular Civil Suit No.8/2019 with respect to the Survey No.147 is pending between the parties. The Honourable Minister has directed that mutation entry be recorded in accordance with judgment to be delivered in the said Civil Suit. In the considered opinion of this Court, the said direction sufficiently takes care of the interest of the Petitioners.

5. In the light of above, Writ Petition stands dismissed.

6. Needless to mention that it will be open for the Petitioners to avail of civil remedy for redressal of his grievance. It is obvious that the rights will be adjudicated only in a properly instituted Civil

Suit. The apprehension of the learned Counsel for the Petitioners that the observations in the order impugned orders as also the present order may come in his way in the proposed Civil Suit is misconceived inasmuch as it is well settled that orders passed by the revenue authorities and also by this Court in dispute arising out of revenue proceedings are not binding on the Civil Court.

ROHIT W. JOSHI
JUDGE

NAJEEB..