



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

932 WRIT PETITION NO. 11285 OF 2025

**SULOCHANABAI SAMBHAJI WAGHMARE
THROUGH G.P.A. HOLDER SHRINIVAS SAMBHAJI
WAGHMARE
VERSUS
THE ADDITIONAL COMMISSIONER CHHATRAPATI
SAMBHAJINAGAR & OTHERS**

...
Advocate for the Petitioner : Mr.D.A.Mane
AGP for the respondent-State : Mr.P.D.Patil
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 16.09.2025**

P.C. :

1] By the present Writ Petition, the petitioner challenges the order dated 11.09.2025 passed by the Additional Divisional Commissioner, Ch. Sambhajnagar thereby rejecting the stay application filed by the petitioner in pending Revision Petition No.2025/ROR/REV/CR-202.

2] The petitioner has challenged the interim order passed by the revisional authority, refusing to grant stay to the final orders passed by the Sub Divisional Officer in appeal and the Dy. Collector in Second Appeal, allowing the mutation in favour of respondent no.4 by canceling the entry made in the year 2000 in favour of the petitioner.

3] The respondent no.4 challenged the mutation entry in favour of the petitioner in the year 2000 by filing appeal before the Sub Divisional Officer. By order dated 07.03.2024, the appeal preferred by the respondent no.4 was allowed by Sub Divisional Officer, Bhokar thereby cancelling the mutation entry in favour of the petitioner. Thereafter the petitioner challenges the order dated 07.03.2024 by filing Second Appeal before Additional Collector and by the order dated 16.06.2025, the said Second Appeal was rejected holding that there is no permission granted by the State to transfer the land, as such, no mutation entry can be taken in favour of third person. Thereafter, the petitioner preferred the Revision before the Additional Commissioner, Ch. Sambhajinagar along with application for stay and the application for stay has been rejected by the order dated 11.09.2025.

4] The petitioner is claiming transfer of the land by consent deed and the consent deed was executed in the year 1990. The petitioner is also niece of the deceased Rama who has three daughters. The learned counsel for the petitioner submits that he has applied for permission to transfer the land in the month of December, 2024. The learned counsel submits that during the pendency of the revision petition, interim stay ought to have been granted to the order of the Sub Divisional Officer and Additional Collector as noted above.

5] Perused the said application for regularization. It is stated in the said application that Rama died on 01.01.2020 and that it is necessary to regularize their transaction entered with the deceased before his demise and the said application is pending. It is stated that there was consent deed between the parties and by virtue of the consent deed, the petitioner would pay amount of consideration of Rs.5 lacs. It is also stated that it was agreed that in stead of executing registered sale deed, they would be executing the consent term and the ownership was transferred.

6] Undisputed there is no permission granted by the State to transfer the land to the petitioner. The respondents are the legal heirs of the property. Thus, the impugned order passed by the Additional Divisional Commissioner, refusing to grant stay in favour of the petitioner is not erroneous and the same does not suffer from any illegalities. As such, no case is made out for interference in the impugned order.

7] If the petitioner is seeking claim to the property of the deceased against the legal heirs of the deceased on the basis of the privately recorded consent deed [without holding a sale deed of the property]. The proper forum to adjudicate the claim of the petitioner is a civil court. The

revenue entries are for fiscal purposes and do not create title in the property. Thus, there is no merit in this petition.

8] The Revision filed by the petitioner be decided in accordance with law. In the event the petitioner succeeds in revision, the mutation entry may be restored.

[ARUN R. PEDNEKER]
JUDGE

DDC