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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.51 OF 2025

Vishal Shahaji Pawar

... Petitioner

V/s.

Maruti Savala Jagdale

Since Deceased Through Legal Heirs &

Ors.

... Respondents

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Mr. Vivek V. Salunke for the petitioner.

Mr. Divyesh Jain i/by Mr. Nitin Gaware Patil for
respondent No.1a.Mr. P. V. Nelson Rajan, AGP for the State-respondent
Nos.11 to 15.**CORAM : AMIT BORKAR, J.****DATED : MARCH 12, 2025****P.C.:**

1. The challenge in the writ petition pertains to the impugned order dated 14 October 2024 passed by respondent No.15, which set aside the mutation entry effected on the basis of a registered sale deed dated 22 December 2015. In this writ petition, the petitioner seeks judicial intervention to review the administrative action and ensure that the statutory mandate under the Maharashtra Land Revenue Code, 1966 is strictly adhered to. It is contended that the exercise of power by the revenue authorities should be confined to a mere certification of the title as recorded

in the registered instrument, and not extend to an adjudication of title disputes, which rightly fall within the exclusive domain of the Civil Courts.

2. A meticulous perusal of the record reveals that the petitioner had duly applied for the entry of his name in the revenue records on the basis of the registered sale deed dated 22 December 2015, having filed the application on 2 June 2016. In response, respondent No.1 objected to the certification of Mutation Entry No.2804 on the ground that the vendor, from whom the petitioner purportedly acquired the title, did not possess a valid title to convey, since respondent No.1 had acquired title in relation to the suit property in 1968. Notwithstanding the objection, the Circle Officer, Shirur, after a careful examination of the documentary evidence and submissions, rejected the objection on 27 December 2016 and directed that the mutation entry be certified based on the registered sale deed dated 22 December 2015. This approach is reflective of the judicial principle that registration of a sale deed gives rise to a presumption of regularity, unless a bona fide title dispute is persuasively established.

3. Subsequently, respondent No.1 initiated a civil suit bearing Regular Civil Suit No.28 of 2016, wherein he sought both the cancellation of the sale deed executed in favour of the petitioner and a declaration asserting his own ownership of the property based on a sale deed dated 19 June 1968. This civil suit is germane to the issue at hand, as it embodies the appropriate judicial forum for resolving disputes regarding the title of immovable property, an issue that administrative or revenue authorities are not

empowered to decide.

4. In furtherance of these proceedings, respondent No.1 challenged the order of the Circle Officer by filing an appeal before the Sub-Divisional Officer, which was upheld by the order dated 8 January 2018. The petitioner, not content with this outcome, subsequently filed a second appeal before the Additional Collector, Pune, which was dismissed on 12 July 2019. Thereafter, the petitioner filed a revision against the said order, which was allowed by the Additional Divisional Commissioner. Notwithstanding these steps, respondent No.1 again challenged the decision of the Additional Divisional Commissioner by filing Revision No.RTS 3423/1260/PK-41/J-5, which was ultimately allowed by the impugned order. This sequence of appeals and revisions clearly highlights the inherent complexity of the dispute and underscores the necessity of deferring the resolution of the title question to the civil judicial process.

5. The rationale advanced by respondent No.15 for allowing the revision is primarily based on the contention that a sale deed in favour of the predecessor of respondent No.1 exists, thereby leaving no residual land available for transfer in favour of the petitioner. However, it is a settled principle of law that when revenue authorities exercise their power under Section 149 of the Maharashtra Land Revenue Code, 1966, they must give effect to the title as created by a registered instrument. The determination of whether the vendor of the petitioner had a valid title at the time of executing the sale deed is not a matter for the revenue authorities but must be adjudicated by the competent Civil Court

empowered to decide disputes of title. In fact, respondent No.1 himself has instituted Civil Suit No.28 of 2016 seeking a declaration of his ownership based on the earlier sale deed of 1968, thereby reinforcing the proposition that the issue is judicial in nature and not administrative.

6. In view of the foregoing, it is the considered opinion of this Court that respondent No.15, instead of setting aside the revenue entry outright, should have held that the certification of the mutation entry by the Circle Officer, Shirur, be made subject to the final adjudication of Regular Civil Suit No.28 of 2016. By attempting to resolve a dispute of title through administrative channels, the impugned order has encroached upon the judicial domain. Consequently, the order dated 14 October 2024 is liable to be quashed and set aside.

7. Therefore, the impugned order dated 14 October 2024, passed by respondent No.15, is hereby quashed and set aside, with directions that the matter be referred back to the revenue authorities for certification of the mutation entry in a manner that is subordinate to the pending civil suit.

8. It is further clarified that the certification of the revenue entry in favour of the petitioner shall remain subject to the final decision of Regular Civil Suit No.28 of 2016. This approach ensures that the resolution of the title dispute is reserved exclusively for the adjudication of the Civil Court, thereby upholding the principles of separation of powers and judicial propriety.

9. Finally, it is hereby clarified that the Civil Court, upon the conclusion of Regular Civil Suit No.28 of 2016, shall determine the rights and ownership of the parties without being influenced by the observations or determinations made in the impugned orders or in this judgment. Such an approach is imperative to ensure that the merits of the title dispute are decided solely on the basis of evidence and legal arguments presented before the Court, thereby safeguarding the integrity of the judicial process.

10. The writ petition accordingly stands disposed of.

11. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)