

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12726 OF 2024

Dhiren Meghji Gada and Ors.

....*Petitioners*

: *Versus* :

State of Maharashtra & Ors.

....*Respondents*

Mr. Siddhesh Bhole with Ms. Riddhi Natekar and Mr. Faizaan Shaikh i/by.
Mr. Shreyas Vyas, for the Petitioners.

Mr. Y.D. Patil, AGP for Respondent No.1-State.

Mr. Kaustubh Patil, for Respondent No.3.

CORAM : **SANDEEP V. MARNE, J.**

Dated : **2 April 2025.**

P.C. :

1) The petition challenges order dated 2 March 2022 passed by the District Superintendent of Land Records (DSLRL) condoning the delay and admitting the Appeal. The order dated 2 March 2022 was challenged by the Petitioners before the Hon'ble Minister (Revenue). However, their Revision Application has been dismissed by the Hon'ble Minister, Revenue by order dated 18 July 2024 which is also subject matter of challenge in the present petition.

2) I have heard learned counsel appearing for the parties and have considered the submissions canvassed by them.

3) There appears to be serious dispute between the parties as to whether the land purchased by Respondent No.3 actually covers the land purchased by the Petitioners. It appears that Respondent No.3 has already instituted S.C. Suit No.2654/2024 challenging the sale-deed executed in favour of the Petitioners. Therefore, validity of sale-deed executed in favour of the Petitioners will ultimately be decided in S.C. Suit No.2654/2024. It is well established position of law that revenue entries made for fiscal purposes, do not constitute title on parties. The revenue entry is obviously subject to the outcome of the suit filed before Civil Court. Therefore, mutation entry recording names of Petitioners to the land in question would also be subject to the outcome of S.C. Suit No.2654/2024.

4) In that view of the matter, it is quite unnecessary that parties should fight litigation before the Revenue/Survey Authorities on the issue of mutation of names during pendency of Civil Suit challenging validity of sale-deed executed in favour of the Petitioners. If the suit is decreed, the revenue records can accordingly be changed. On the other hand, if the suit is dismissed, the mutation entry made in favour of the Petitioners can be sustained. The exercise suggested by DSLR about carrying out measurement of the land for finding out as to whether the land purchased by the Petitioners actually falls into the ownership of Respondent No.3 can be conducted by the Civil Court as well. At this stage, Mr. Patil, the learned counsel appearing for Respondent No.3 would submit that such measurement has indeed been conducted. Be that as it may. It is not necessary for the parties to pursue remedies before the Revenue/Survey Authorities relating to mutation entries. It would be appropriate to await decision of S.C. Suit No.2654/2024. In that view of the matter, proceedings filed before the DSLR are required to be formally closed with liberty to file fresh proceedings by either of the parties based on the decree that would be

passed by the Civil Court. I accordingly proceed to pass the following order :

(i)Mutation of names of the Petitioners to the land in question vide order dated 18 December 2001 shall be subject to the outcome of S.C. Suit No.2654/2024.

(ii)Depending on the outcome of S.C. Suit No.2654/2024, the parties would be at liberty to make an application before the Revenue/Survey Officers for recording their names to the revenue records.

(iii)Since the entire issue is being decided by the Civil Court, the Appeal preferred before the DSLR (*Appeal No.S.R./904/2020*) shall be formally closed by the DSLR with liberty to the parties to file fresh proceedings depending on the outcome of S.C. Suit No.2654/2024.

(iv)All contentions of the parties on merits in the suit are expressly kept open. The suit shall be decided on its own merits without being influenced by any of the above observations made in the present order.

5) With the above directions, the petition is **disposed of**.

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[SANDEEP V. MARNE, J.]