

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

WRIT PETITION NO.13125 OF 2024

Naomi Miranda

....Petitioner

V/S

The State of Maharashtra & Ors.

....Respondents

Mr. Muttahhar Khan i/b Mr. Moinuddin Chowdhari *for the Petitioner.*

Mr. Hamid Mulla, AGP *for Respondent Nos.1, 4, 5 and 6/State.*

CORAM: SANDEEP V. MARNE, J.

DATE : 29 JANUARY 2025.

P.C.:

1. It appears that Suit No.161 of 2016 is already filed by the Petitioner before City Civil Court at Bombay challenging the Agreement for Sale dated 5 March 1981, Agreement of Sale dated 30 July 1984 and Deed of Indenture dated 9 October 1985. The names of the contesting Respondents are mutated to the revenue records on the strength of Indenture dated 9 October 1985 which appears to have been registered on 30 June 2016. According to the Petitioner no right, title or interest was created in favour of the contesting Respondents based on the Deed of Indenture dated 9 October 1985 and that therefore their names cannot be mutated in the revenue records. In fact similar contention appears to have been raised in the suit. The findings recorded in the suit and the decree passed by the City Civil

Court would prevail over the orders passed by the Revenue Authorities. Therefore, the correct course of action to be adopted in the facts and circumstances of the present case is to maintain the order passed by the Principal Secretary at this juncture till Suit No.161 of 2016 is finally decided. In the event Petitioner succeeds in the said suit, the revenue entries can always be reversed. I am therefore not inclined to interfere in the impugned order dated 24 July 2024 in the light of pendency of the Civil Suit. Writ Petition is accordingly **rejected**.

2. All contentions of parties raised in the Suit are expressly kept open.

(SANDEEP V. MARNE, J.)

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