

3. *Prima facie* the impugned order is an appealable order in terms of provisions of Section 257 read with Schedule E of the Maharashtra Land Revenue Code, 1966 but bypassing the Appellate and the Revision Authority, Petitioners have chosen to approach this Court invoking its extraordinary jurisdiction. The learned Advocate for Petitioners has argued that the private Respondents have not only encroached upon more than 2 acres of his land belonging to Petitioners but have also carried out large scale fabrication of documents on the basis of which, Land Revenue Officers have conducted measurement and survey and in the year 2024 altered the Mutation Entry No.2231 of 2015 and are seeking to implement the new MR to the detriment and legal rights of the Petitioners.

4. On perusing the record of the case, it is *prima facie* seen that the private Respondents had filed original Application on 09.03.2015 for seeking survey and measurement exercise, but the order thereon was passed ultimately on 30.08.2022 by the District Superintendent of Land Records. In between there are two precursor orders viz, dated 30.06.2017 followed by order dated 16.10.2019 passed by the District Superintendent of Land Records in proceedings between Petitioners and the private Respondents.

5. Though Mr. Lende has vehemently argued the factual errors which are committed by private Respondents, in so far as this Court is concerned, it cannot be the Court of first instance to adjudicate factual errors and disputed questions of fact between parties. It is *prima facie* seen that the subject matter of challenge in the present case is MR No.404 of 2015 and it is based upon the

precursor Entry No.25 of 1994. In between there has been proceedings between Petitioners and private Respondents, *inter alia*, with respect to merger and reconstitution of the holdings between the parties. The reconstitution of the holding corresponds to the corresponding shares belonging to Petitioners and private Respondents before me. For deciding such disputed questions of facts, it would be rather appropriate if Petitioners before me approach the Civil Court with a substantive proceeding for seeking entitlement to their share as also seeking appropriate reliefs in respect of the issue of encroachment of land by the private Respondents.

6. The revenue proceedings have been filed on the basis of alleged forged signatures and non-receipt of notices by the parties. Survey and measurement carried out by the office of the Deputy Superintendent of Land Records is questioned by Petitioners as inaccurate.

7. Considering all these the aforesaid disputed questions of facts, Mr. Lende has taken appropriate instructions and would inform the Court that if the Court maintains *status quo* of the impugned order for a limited period, Petitioners will undertake to file an appropriate Civil Suit and Application seeking appropriate injunctive reliefs in the Civil Court in respect of their substantive rights emanating from the Mutation Entries and their respective holdings.

8. In that view of the matter, I do not think it appropriate to issue notice to Respondents since disputed questions of facts in any

event cannot be determined by this Court in writ proceedings. Further rights and entitlement of the party to immovable properties cannot be established and determined on the basis of Mutation Entries alone. Mutation Entries are essentially for fiscal purposes and are revenue entries identifying the holdings of the parties for the purpose of payment of revenue and assessment. They have secondary evidentiary and corroborative value in law.

9. In view of the above, the impugned order dated 22.02.2025 passed by the Superintendent Director of Land Records, Nasik Division in Appeal No.SR No.108 of 2022 is stayed for a further period of four weeks from today.

10. Needless to state that the said stay shall automatically be vacated after the period of four weeks.

11. In the interim, Petitioners are granted leave by the Court to file appropriate Civil Suit alongwith Exhibit-5 Application therein and seek appropriate orders from the Civil Court in respect of Petitioners' substantive reliefs in respect of the Suit property.

12. Needless to state that all contentions of Petitioners as well as private Respondents are expressly kept open.

13. This Court has not given any imprimatur on merits or opinion on facts on the contentious Mutation Entry or the Mojani Register. Suit proceedings and the Exhibit-5 Application shall be proceeded with strictly in accordance with law and on the basis of the case made out by the parties therein without being influenced by any of the observations and findings in the impugned order dated 27.02.2025 or any other order passed by the statutory

Competent Authorities.

14. With the above directions, Writ Petition is disposed of.

(MILIND N. JADHAV, J.)