

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

WRIT PETITION NO.5088 OF 2019

Shri.Sanjay Vishnu Raut

..Petitioner

Vs.

Smt.Prachi Prabhakar Adsul & Ors.

..Respondents

.....

Mr. Hemant Ghadigaonkar, Advocate for Petitioner.

Mr. P. P. Pujari, AGP for Respondent No.15 / State.

CORAM : C.V. BHADANG, J.

DATE : 31st JANUARY, 2020

P.C.

. The challenge in this petition is to the order dated 28/2/2019 passed by the Hon'ble Minister (Revenue) in Revision Application No.RTS3517/2410/368. By the impugned order, the Hon'ble Minister has confirmed the order dated 30/7/2013 passed by the Additional Commissioner, Pune. The net result of this, is that the application filed for mutation by the respondent Nos.4 to 11 for mutation of their names in the record of rights of the subject properties has been remitted back to the learned Tehsildar.

2. Learned counsel for the petitioner points out that there is an Agreement of Sale in favour of the petitioner executed by the respondent Nos.1 to 3 on 16/7/2002. Indisputably, the respondent Nos.1 to 3 have executed a sale deed in favour of respondent Nos.4 to 11 on 3/3/2003 in respect of the same properties. It is a matter of record that RCS 63/2003 filed by the petitioner for specific

performance of the Agreement of Sale dated 16/7/2002 is pending before the competent Civil Court.

3. The only contention raised on behalf of the petitioner is that as the substantive dispute is pending before the competent Civil Court, the Revenue Authority should have stayed their hands. Learned counsel submitted that the properties should remain in the name of the transferors i.e. respondent Nos.1 to 3.

4. On hearing learned counsel for the petitioner, I do not find that any case for interference is made out. Prima facie, at this stage, it appears that claim of the petitioner is based on an Agreement of Sale while there is a registered sale deed in favour of respondent Nos.4 to 11. The civil suit filed by the petitioner for specific performance of the contract is still pending. All that the impugned order results into is that the application for mutation has been remitted back to the learned Tehsildar. Needless to mention that the learned Tehsildar shall proceed to decide the application on its own merits and in accordance with law. The impugned order, in my considered view, in the absence of any manifest injustice does not require interference. The petition is accordingly dismissed with no order as to costs.

5. Needless to mention that the learned Civil Judge as well as learned Tehsildar shall not be influenced by the observations made herein.

C.V. BHADANG, J.