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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9672 OF 2018**

1] Annie Joachim Saldanha @	)	
Annie Angel D'Souza	)	
Age 64 years, Occ: Housewife,	)	
	)	
2] Dulceine Jerome Saldanha,	)	
Age 65 years	)	
	)	
3] Gracy Jeevan Saldanha	)	
Age 37 years, Occ: Business,	)	
Nos. 1 to 3 r/o. Saldanha House,	)	
Survey No.520, Road No.33,	)	
Wagle Estate, Thane (W)	)	 Petitioners

V/s

1] The State of Maharashtra	)
	)
2] The Collector, Thane.	)
	)
3] The Tahasildar, Thane.	)
	)
4] The Chief Conservator of Forest,	)
Sanjay Gandhi National Park,	)
Borivali (East).	)
	)
5] The Divisional Manager,	)
National Park, Borivali.	)
	)
6] The Forest Range Officer,	)
Yeoor Division, Thane.	)
	)
7] Mumbai Metropolitan Regional	)
Development Authority, Griha Nirman	)
Bhavan, 5 th Floor, Bandra, Mumbai	)

8] Municipal Corporation for the)
City of Thane, through its)
Commissioner) Respondents.

Mr. Narendra V. Walawalkar, Senior Advocate a/w Mr. Suresh Sabrad
and Mr. Amey Sawant for the Petitioners.

Mr. N.C. Walimbe, Addl. G.P. a/w Mrs. Priyanka B. Chavan, AGP for
Respondent Nos. 1 to 6.

Mr. Jagdish G. Aradwad (Reddy) for Respondent No.8

**CORAM: A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE: 2nd APRIL, 2024

ORAL JUDGMENT: (Per A. S. Chandurkar, J.)

1] Rule. Rule made returnable forthwith and heard learned Counsel
for the parties.

2] The Petitioners claim entitlement to the land admeasuring 862 sq.
meters of CTS No.520 located at Village Panchpakhadi, District Thane.
They claim that since last more than 40 years, they are in exclusive
possession of the said land on which they have also constructed a
house. The Petitioners seek consideration of their application for
having Mutation Entry undertaken in the record of rights against the
said land. The application dated 13/08/2014 was made before

Tahasildar and according to the Petitioners there has been no consideration of the same till date. Hence, this writ petition came to be filed.

3] We find that interest of justice would be served by directing the Tahasildar – Respondent No.3 to consider the Petitioners’ application dated 13/08/2014 in accordance with law and take a decision thereon.

The following directions are accordingly issued:-

(i) The Petitioners shall appear before the Tahasildar on 16/04/2024 and submit a fresh copy of the application dated 13/08/2014 along with all relevant documents for consideration.

(ii) The Tahasildar alongwith the Respondent No.6 shall consider the said application and take a decision thereon within a period of three months from said date of appearance.

(iii) The Petitioners shall be granted an opportunity of

hearing through their representative. The decision taken be communicated to the Petitioners.

(iv) The Tahasildar shall decide the said application without being influenced by any earlier communications by superior authorities.

(v) Needless to state that if the Petitioners are not satisfied with the outcome of consideration of the said application, they are free to take such steps as are permissible in law.

4] Rule is disposed of in the aforesaid terms with no order as to costs.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]