



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO. 8821 OF 2022
WITH
CIVIL APPLICATION NO. 7978 OF 2025 IN WP/8821/2022

SAWALERAM KUNDALIK CHAUDHARI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

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Mr. G.K. Muneshwar – Advocate for Petitioners
Mr. K.B. Jadhavar – AGP for Respondent Nos.1 to 3, 8 and 9, State
Mr. P.P. Giri – Advocate for Respondent Nos.5 and 7

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 03.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. The petitioners challenge the order dated 29.07.2022 passed by the learned Additional District Collector, Ahmednagar in R.T.S. Appeal No.500/2022, whereby the Additional District Collector dismissed the appeal at the stage of admission.
3. Learned Counsel for the petitioners submits that the appeal ought to have been considered by the Additional District Collector on its own merits, but merely on the ground that an incorrect provision was mentioned, the appeal was not entertained. Despite of the interim order

dated 26.08.2022 passed by this Court, the revenue authorities have changed the name and mutated the entries.

4. I have gone through the order passed by the Additional District Collector, it reveals that the Additional District Collector has not applied his mind. Merely mentioning an incorrect provision does not take away the powers available to the Additional District Collector to entertain appeal. Therefore, I am of the considered opinion that, without going into the merits of the matter, the petition deserves to be allowed.

5. In view thereof, the order dated 29.07.2022 passed by the learned Additional District Collector, Ahmednagar in R.T.S. Appeal No.500/2022 is quashed and set aside.

6. In view of the disposal of the Writ Petition, Civil Application No.7978 of 2025 is also disposed of.

7. It is expected that the Additional District Collector shall take due care in future while considering such matters.

8. As the appeal is of the year 2022, the Additional District Collector is directed to decide the matter on its own merits within a period of six (6) months from today.

9. The interim order dated 26.08.2022 passed by this Court shall continue till the Additional District Collector decides the matter on its

own merits. All issues are kept open.

10. As the mutation entries have already been taken place, the same shall remain in force subject to the outcome of the order to be passed by the Additional District Collector.

11. Necessary corrections in the mutation entries shall be carried out after the decision by the Additional District Collector.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/