

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6408 OF 2022**

Mayappa Bapu Yamgar,
Age: 37 Yrs., Occu.: Agriculture,
R/o. Javla, Tal. Sangola, Dist. Solapur.Petitioner

Vs.

1. The State of Maharashtra,
Through the Revenue and Forest
Department, Hutatma Rajguru Chowk,
Madam Cama Road, Mumbai – 400 032.
2. The Collector's Office, Solapur.
3. The Circle Inspector, Javla,
Tal. Sangola, Dist. Solapur.
4. Shivaji Dhaanappa Todkar,
Occu.: Agriculture.
5. Bajirao Mahadeo Deshmukh,
Since Deceased Through LR.
5A Muktabai Bajirao Deshmukh,
Age: 72 Yrs., Occu.: Household,
R/at Jawal, Tal. Pandharpur,
Dist. Solapur.Respondents

Mr. Vishwanath Talkute with Mr. Mahesh Bhosale, Mr. Pratik Bhojane
& Ms. Sampada Patil, for the Petitioner.

Mr. Sanjay D. Rayrikar, AGP, for the Respondent Nos.1 to 3-State.

Mr. Vaibhav Ramchandra Gaikwad, for the Respondent No.5.

CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON: 23rd SEPTEMBER 2025

PRONOUNCED ON : 25th SEPTEMBER 2025

JUDGMENT :-

1. Petitioner impugns judgment and order dated 7th March 2018 passed by Hon'ble Minister in RTS Revision No.3717/442/PK-37/J-5 to the extent of latter part of Clause No.(3) of the operative order by which the rights of Petitioners have been affected. Similarly, Petitioner raises a challenge to order dated 18th June 2019 passed in RTS Review Application No.3419/1594/PK-1/J-5 rejecting the Review Application.

2. Mr. Vishwanath Talkute, learned Advocate appearing for Petitioner submits that Anjubai Dhanappa Todkar was owner of 0.35 R land out of Gat No.1177 situated at Javla, Taluka Sangola. She sold 0.9 R land to Respondent No.8 and 0.02 R land to Respondent No.5 under registered sale deed dated 27th July 2001.

3. Anjubai and her son Shivaji (Respondent No.4) instituted Regular Civil Suit No.226 of 2001 before Civil Judge Junior Division, Sangola seeking declaration that sale deed executed in favour of Respondent Nos.5 and 8 is invalid and also prayed for permanent injunction. On 4th January 2007, suit came to be decreed upholding that sale deed dated 27th July 2001 is invalid as it creates

fragmentation contrary to Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (For Short, '**Consolidation Act**'). Now, the dispute is pending in Second Appeal No.95 of 2013.

4. Mr. Talkute would submit that Respondent No.4-Shivaji executed sale deed dated 11th August 2016 in respect of land Gat No.1177 in favour of his sons, i.e., Respondent Nos.6 and 7. Accordingly, Mutation Entry No.5652 has been recorded. Petitioner purchased area to the extent of 0.06 R from Respondent Nos.6 and 7 for construction of well. At this stage, Respondent Nos.5 and 8 moved State Government for regularization of their sale deed, which declared invalid in Regular Civil Suit No.226 of 2001. Hon'ble Minister allowed request for regularization of sale deed executed in favour of Respondent Nos.5 and 8 in terms of Government Resolution dated 3rd January 2018 and declared that sale deed executed in favour of Respondent Nos.5 and 8 are legal. In pursuance of order of Hon'ble Minister, Mutation Entry No.6076 is taken and name of Petitioner has been deleted only for the reason that Hon'ble Minister added the line in Clause No.3 of operative part of impugned order dated 5th March 2018 that the other transactions in respect of land are invalid as sale deed of Respondent Nos.5 and 8

is regularized. According to Mr. Talkute, aforesaid transactions in the impugned order are uncalled for. Sale deed executed in favour of Petitioner or his vendors, i.e., Respondent Nos.6 and 7 was not subject matter of proceedings before Hon'ble Minister. Only question as to regularization of sale deed in favour of Respondent Nos.5 and 8 was subject matter before Minister. He would, therefore, urge to allow Writ Petition.

5. Per contra, Mr. Vaibhav Gaikwad learned Advocate appearing for Respondent No.5 and Mr. Sanjay D. Rayrikar, AGP, appearing for Respondent Nos.1 to 3 supports impugned order.

6. Having considered submissions advanced by learned counsel for respective parties, it can be observed that Anjubai Dhanappa Todkar was owner of 0.35 R land from Gat No.1177. Respondent Nos.5 and 8 acquired ownership of only 0.9 R and 0.02 R land under their sale deed of 2001. Since their sale deed was declared invalid being fragmentation in Regular Civil Suit No.226 of 2001, they approached the authorities under Consolidation Act for regularization of their sale deed. Ultimately, Hon'ble Minister under impugned order accepted their prayer for regularization.

7. So far as Petitioner is concerned, he acquired ownership of 0.06 R out of 0.35 R land that was sold by Shivaji under registered sale deed of 2016. There is nothing on record to show that regularization of sale deed executed by Anjubai in favour of Respondent Nos.5 and 8 would have any impact on land in ownership and possession of Petitioner. Even otherwise, when Respondent Nos.5 and 8 claimed regularization of land purchased by them under sale deed of 2001 to the extent of 0.9 R, there was no reason for Hon'ble Minister to pass order declaring that other transactions, upon regularization of sale deed of Respondent Nos.5 and 8, are invalid. Pertinently, no reasons are recorded for incorporating impugned declaration in the operative part of order of Hon'ble Minister.

8. In result, Writ Petition succeeds and allowed in terms of prayer clause (a).

(S. G. CHAPALGAONKAR, J.)

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signed by
RAJU
DATTATRAYA
GAIKWAD
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