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

WRIT PETITION NO. 818 OF 2024

Dilip Ashok Desai .. Petitioner

VS.

The State of Maharashtra and ors. .. Respondents

**WITH
INTERIM APPLICATION NO. 7811 OF 2024**

Shri Vikramsingh Bhikajirao Gaikwad and anr. .. Applicant

In the matter between

Dilip Ashok Desai .. Petitioner

VS.

The State of Maharashtra and ors. .. Respondents

Mr. Suryajeet P. Chavan, for the Petitioner.

Mr. Kavita N. Solunke, AGP for State- Respondents No. 1 to 6.

Mr. Shantanu Gurav a/w Mr. Khaire i/b Mr. Mihir Govilkar, for Respondents No. 7 & 8.

Mr. Vijay Killedar for Applicant in IA/7811/2024.

Mr. M.D. Joglekar a/w Ms. Renuka Patil, for Respondent No.9 (through V.C.).

Mr. Sanjiv Sawant a/w Mr. Samir Suryawanshi and Ms. Bhakti Wast, for Respondent No.10.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 21, 2025

P.C.:

1. The order impugned in this Petition is dated 13/12/2022 passed by the Additional Divisional Commissioner, Pune Division, Pune. Without going into detailed facts, suffice it to observe that one of the order set aside by the impugned order is an order passed by the Sub-Divisional Officer in RTS Appeal No. 61 of 2016 which was in favour of the Petitioner. The Petitioner was not a party-respondent before the Additional Divisional Commissioner in the proceedings which led to passing of the impugned order. RTS Appeal No. 61 of 2016 was filed by the present Petitioner under Section 247 of the Maharashtra Land Revenue Code, 1966 challenging the mutation entry no. 5086. The Additional Divisional Commissioner ought not to have set aside the order passed in favour of the Petitioner in RTS Appeal No. 61 of 2016 without hearing the Petitioner. Only on this ground, the impugned order deserves to be quashed and set aside to the extent of RTS Appeal No. 16 of 2016.

2. The Petitioner was not a party to the other proceedings, the orders which were subject matter of challenge in RTS Revision Application No. 362 of 2019. It is therefore open for the Petitioner to resort to appropriate remedies available in law should the Petitioner feel aggrieved by the impugned order of the Additional Divisional Commissioner impugned in this Petition. All contentions are kept open.

3. The Petition is partly allowed and disposed of. No costs.

4. Nothing survives for consideration in the intervention application. Intervention Application is disposed of.

(M. S. KARNIK, J.)