

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 618 OF 2024

Prakash Sonajee Mahale

.. Petitioner

Versus

State of Maharashtra and Ors.

.. Respondents

-
- Ms. Neeta P. Karnik, Senior Advocate a/w. Ms. Harshada Kshirsagar, Advocate for Petitioner.
 - Mr. Tejas D. Deshmukh a/w. Mr. Ronak M. Utagikar, Advocates for Respondent.
 - Ms. Savita Prabhune, AGP for Respondent – State.

.....

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 15, 2025.

P.C.:

1. Heard Ms. Karnik, learned Senior Advocate for Petitioner; Mr. Deshmukh, learned Advocate for Respondent and Ms. Prabhune, learned AGP for Respondent – State.

2. The *lis* between the parties before me is between paternal aunts and nephews. Paternal aunts are the private Respondents before me. The challenge in the present Writ Petition is to the order passed by the State in RTS Revision proceedings dated 25.07.2023, *inter alia*, deciding the applicability of the provisions of the Hindu Succession Act, 1956 governing the rights of the parties and as a sequitur of which the order in RTS proceedings is passed. By virtue of the same, private Respondents' names have been entered into the Revenue Records *qua* the subject properties.

3. It is *prima facie* seen that there is a long standing dispute between the parties beginning with the Mutation Entry No.261 dated 20.03.1969 which was recorded in the name of the father of Petitioner and subsequent thereto leading to present proceedings being filed due to passing of the impugned order.

4. Ms. Karnik, learned Senior Advocate for Petitioner informs the Court that in the interregnum part of the lands have been acquired under the National Highways Act, 1956 (for short '**the said Act**') and in so far as payment of compensation in lieu thereof is concerned, in view of entitlement dispute raised by parties, the same has been referred to the Competent Authority (Express Way) and SDO, Dahanu Division under the provisions of Section 3-H(4) of the said Act which is the Principal Civil Court of Original Jurisdiction at Palghar.

5. Considering that Petitioner and private Respondents are both before the Competent Authority for determination of their entitlement as to who would be entitled to payment of compensation for the land acquired, *lis* of apportionment will decide the issue of title between the parties. The present Writ Petition can therefore be disposed by the following order:-

- (i) The impugned mutation entry shall be valid subject to the outcome of the decision in the proceedings under Section 3-H(4) of the said Act between the Petitioner

and private Respondents and shall accordingly stand altered.

- (ii) None of the parties including private Respondents in whose favour the said Mutation Entry has been effected shall take any steps in furtherance thereof to alienate or transfer or create any third party rights in the subject property on the basis of the said Mutation Entry which shall be subject to the outcome of the aforesaid proceedings;
- (iii) There shall be an embargo on parties to not create any third party rights in the subject property.

6. The Competent Authority hearing the Section 3-H(4) dispute between parties is directed by Court to dispose of the said proceedings expeditiously strictly in accordance with law.

7. Writ Petition is disposed in the above terms.

[MILIND N. JADHAV, J.]

Ajay

AJAY
TRAMBAK
UGALMUGALE
Digitally signed
by AJAY
TRAMBAK
UGALMUGALE
Date: 2025.12.17
10:22:26 +0530