

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 12043 OF 2024**

Raosaheb Bapurao Date and Anr. **...PETITIONERS**

**V/S.**

Ananda Savliram Date and Ors. **...RESPONDENTS**

**WITH**  
**WRIT PETITION NO. 2240 OF 2023**

Pandurang Gajiram Date and Anr. **...PETITIONERS**

**V/S.**

Ananda Savliram Date and Ors. **...RESPONDENTS**

**WITH**  
**INTERIM APPLICATION NO.11955 OF 2024**  
**WRIT PETITION NO. 12043 OF 2024**

Ananda Savliram Date and Ors. **...APPLICANTS**

**V/S.**

Raosaheb Bapurao Date and Anr. **...RESPONDENTS**

**Mr. Girish Agrawal**, *a/w. Mr. Shubham Jangam for the Petitioners in WP/12043/2024 and Respondent Nos.2 to 5 in WP/2240/2023.*

**Mr. Prashant D. Patil** *for the Petitioners in WP/2240/2023.*

**Mr. J. S. Kini** *a/w. Mr. Anum Kini i/by Ms. Sapna Krishnappa for the Respondent No.1.*

---

**CORAM : SANDEEP V. MARNE, J.**

**Dated : 5 March 2025.**

**P.C. :**

1. This petition challenges order dated 10<sup>th</sup> January 2023 passed by the Hon'ble Minister (Revenue) allowing the Revision Application and setting aside the order passed by the Additional Commissioner, Nashik, who had remanded the proceeding for preparation of fresh partition chart by the Tehsildar.
2. It appears that Regular Civil Suit No.12 of 1976 was filed for partition and separate possession which came to be decreed on 14<sup>th</sup> February 1991. The Second Appeal was also dismissed by this Court on 2<sup>nd</sup> April 2002. The preliminary decree for partition was send for dividing the land by metes and bounds and for demarcation of the shares of the contesting parties. In the above background Tehsildar passed order dated 16<sup>th</sup> February 2019 approving partition of chart as reflected in his order. Petitioners got aggrieved by demarcation of share of lands to them and

challenged the partition chart before SDO who dismissed the Appeal by order dated 21<sup>st</sup> June 2019. Further Appeal was dismissed by the Additional Collector by order dated 14<sup>th</sup> February 2020. The Additional Divisional Commissioner however allowed the Revision filed by the Petitioners and remanded the proceedings before the Tehsildar for preparation of fresh partition chart by his order dated 10<sup>th</sup> February 2021. However the said order passed by the Additional Divisional Commissioner in favour of the Petitioner has been set aside by the Hon'ble Minister by the impugned order dated 10<sup>th</sup> January 2023 which has effect of upholding the initial partition chart prepared by the Tehsildar by his order dated 16<sup>th</sup> February 2019.

3. This Court admitted the petition by passing order on 3<sup>rd</sup> January 2024.

4. The contesting Respondents have filed Interim Application agreeing to set aside the order passed by the Hon'ble Minister (Revenue) and for fresh decision of the Revision Application by the Hon'ble Minister. When the Interim Application come up before this Court on 28<sup>th</sup> August 2024 the contesting Respondents suggested a fresh partition plan in which grievances of the Petitioners are allegedly sought to redressed. This Court accordingly passed following order on 28<sup>th</sup> August 2024.

5. Today when the Interim Application have come up for hearing, learned counsel appearing for the parties have agreed

that the proceedings can be remanded back to the Tehsildar for preparation of fresh partition plan. The contesting Respondents have agreed to accept the lands other than the one suggested in the partition plan of Tehsildar vide order dated 16<sup>th</sup> February 2019 with a view to ensure that grievances are finally withdrawn on the long lasting litigation. It must be observed here that the partition Suit was instituted in the year 1976 and by now it is close to 50 years parties are litigating for partition and possession of separate shares. In my view suggestion given by the contesting Respondents is fair. Accordingly I proceed to dispose of main petition by passing the following order :-

### **ORDER**

- (i) The impugned order passed by the Hon'ble Minister dated 10<sup>th</sup> January 2023 is set aside.
- (ii) The proceedings are remanded back to the Tehsildar for preparation of fresh partition plan after hearing all the affected parties.
- (iii) The Petitioners and Respondents shall remain present before the Tehsildar on 2<sup>nd</sup> April 2025 and seek further directions from the Tehsildar for preparation of fresh partition chart.
- (iv) It is clarified it shall not be necessary to issue fresh notices in the proceedings and all the contesting parties shall appear before the Tehsildar on 2<sup>nd</sup>

April 2025 and participate in the further dates of hearing.

(v) Considering long pendency of litigation, the Tehsildar shall dispose the remanded proceedings in expeditious manner preferably on 31<sup>st</sup> May 2025.

(vi) All the rights and contentions of parties on merits are expressly kept open

6. With the above directions both the petitions are disposed of.
7. Rule is made partly absolute.
8. There shall be no order as to costs.

**SANDEEP V. MARNE, J.**