

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1651 OF 2024

~~Satyabhama Baburao Shelke~~

Since Deceased through Legal Heirs

Balasaheb Baburao Shelke and Ors.

.. Petitioners

**Versus**

Sanjay Namdeo Khade and Ors.

.. Respondents

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- Mr. Surel Shah, Senior Advocate a/w. Mr. Abhang Dhadiwal and Ms. Vidhi Karia, Advocates i/by Jayakar & Partners for Petitioners.
- Dr. Uday Warunjikar a/w. Jenish Jain, Advocates i/by Mr. Aditya Kharkar for Respondent Nos.1 and 2.

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**CORAM : MILIND N. JADHAV, J.**

**DATE : JUNE 25, 2025.**

**P.C.:**

**1.** Heard Mr. Shah, learned Senior Advocate for Petitioners and Dr. Warunjikar, learned Advocate for Respondent Nos.1 and 2.

**2.** The genesis of the present dispute in the Writ Petition emanates from the orders passed by the Sub-Divisional Officer (SDO), by the Collector in Appeal, by the Commissioner and thereafter by the State in Revision.

**3.** It is seen that the order of SDO dismissed the Appeal of Petitioner on the ground of delay without entering into the controversy on merits of the matter. However in Appeal the matter was adjudicated by the Collector on merits. Thereafter the Commissioner confirmed the

order of the Collector, but in second revision the State reversed the orders passed by the Collector and Commissioner wherein in the first instance the issue before the Collector which was adjudicated was not determined on merits by the SDO. Hence in that regard, the Collector had no Authority to overstep his jurisdiction.

**4.** In that view of the matter, without delineating any opinion on merits of the matter or giving any imprimatur of the Court in respect of the substantive rights of the parties, the orders passed by the Collector, Commissioner and the State are directed to be quashed and set aside with a directive that the Appeal against the SDO's order before the Collector will be heard afresh between the parties strictly in accordance with law and the Collector shall determine the said RTS Appeal No.910 of 2018 as expeditiously as possible and in any event within a period of 8 weeks from today. All parties shall co-operate and appear before the Collector in determining RTS Appeal No.910 of 2018.

**5.** Needless to state that while determining the said RTS Appeal, the Collector shall not be influenced by any of the observations and findings returned in the previous order of the Collector, the order passed by the Commissioner and the order passed in second Revision by the State and he shall determine the RTS Appeal between the parties strictly in accordance with law after hearing all concerned.

**6.** The Collector shall act on a server copy of this order and shall not insist on a certified copy to comply with the directions hereinabove.

**7.** Both parties are directed by the Court to appear before the Collector on 30<sup>th</sup> June 2025 at 12:00 noon and place a copy of this order before the Collector to enable the Collector to fix the date for hearing of RTS Appeal according to his convenience.

**8.** Writ Petition is disposed of in the above terms.

[ MILIND N. JADHAV, J. ]

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