

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

WRIT PETITION NO.19136 OF 2024

M/s. S.S.D. Promoters & Builders & Ors. V/S Vitthal Baburao Borge since deceased through legal heir & Ors.	Petitioners Respondents
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**WITH
WRIT PETITION NO.19161 OF 2024**

M/s. S.S.D. Promoters & Builders & Ors. V/S Vitthal Baburao Borge since deceased through legal heir & Ors.	Petitioners Respondents
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**WITH
WRIT PETITION NO.19167 OF 2024**

M/s. S.S.D. Promoters & Builders & Ors. V/S Vitthal Baburao Borge since deceased through legal heir & Ors.	Petitioners Respondents
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Mr. Abhijit P. Kulkarni a/w Mr. Shreyas Zarkar, Mr. Gaurav Shahane, Mr. Krushna Jaybhay and Mr. Abhishek Roy *for the Petitioners.*

Mr. Prabhakar M. Jadhav and Mr. Parag More, Mr. Ajit Kadam and Ms. Suchita Chavan *for Respondent Nos.1A1, 4A5 to 4A8, 13A to 13D, 14 and 15.*

Mr. T.D. Deshmukh a/w Mr. Sagar Karsija i/b Mr. Sandeep Dhumal *for Respondent Nos.4A2.*

Ms. Dhruti Kapadia, AGP *for Respondent Nos.16 to 19/State.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 13 JANUARY 2025.**

P.C.:

1. These Petitions are filed by the Petitioners aggrieved by non-grant of stay by the Additional Divisional Commissioner to the orders passed by the Additional Collector by which Mutation Entry No.4765 has been cancelled and the proceedings are remanded for re-enquiry before Tahasildar. It appears that Mutation Entry No.4765 is an underlying entry on the basis of which subsequent mutation entries are effected. It appears that Petitioner is a subsequent purchaser of the lands in question and its name has been mutated to the record of rights vide Mutation Entry No.5839. It is an admitted position that Mutation Entry No.5839 has not been disturbed so far. The Petitioner however apprehends that since the underlying Mutation Entry No.4765 is set aside, the Tahasildar is likely to set aside even Mutation Entry No.5839.

2. Considering the fact that the Petition arises out of non-grant of stay by the Additional Divisional Commissioner, it is appropriate that the Additional Divisional Commissioner is permitted to decide the Revisions on merits. So far as the apprehension expressed by the Petitioners is concerned, in my view, since Mutation Entry No.5839 has not been expressly set aside in any proceedings, the Tahasildar can be directed to hold his hands *qua* Mutation Entry No.5839 at the moment till the Additional Divisional Commissioner decides the Revisions on merits. At the same time the Petitioners cannot be permitted to

take advantage of Mutation Entry No.5839 for the purpose of creating any further third party rights in respect of the land in question.

3. The Petitions are accordingly disposed of by requesting the Additional Divisional Commissioner, Pune to expedite hearing of Revision Application Nos.531 of 2024 to 533 of 2024. Mutation Entry No.5839 effected in favour of the Petitioners shall not be disturbed till decision of the Revision Application Nos.531 of 2024 to 533 of 2024. Petitioners shall not create any third party rights in the land in question based on Mutation Entry No.5839 till decision of the Revision Applications.

4. All the contentions of parties on merits are expressly kept open. The Writ Petitions are accordingly **disposed of**.

(SANDEEP V. MARNE, J.)

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