



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

IN

WRIT PETITION NO.12043 OF 2024

Ananda Savliram Date and Ors.

...APPLICANTS

V/S

Raosaheb Bapurao Date and Anr.

...RESPONDENT

WITH

INTERIM APPLICATION NO.11880 OF 2024

IN

WRIT PETITION NO.2240 OF 2023

Ananda Savliram Date and Ors.

...APPLICANTS

V/s.

Pandurang Gajiram 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. Aum Kini i/by Ms. Sapna Krishnappa for the Respondent No.1.

CORAM : SANDEEP V. MARNE, J.
DATE : 5 March 2025.

P.C.:

1. This petition challenges order dated 10th 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 14th February 1991. The Second Appeal was also dismissed by this Court on 2nd April 2002. The preliminary decree for partition was sent 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 16th February 2019 approving partition 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 21st June 2019. Further Appeal was dismissed by the Additional Collector by order dated 14th 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 10th 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 10th January 2023 which has effect of upholding the initial partition chart prepared by the Tehsildar by his order dated 16th February 2019.

3. This Court admitted the petition by passing order on 3rd January 2024.

4. The contesting Respondents have filed Interim Applications 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 Applications came up before this Court on 28th 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 28th August 2024:

1. Learned counsel for the Applicants submits that the matter can be resolved if the partition map is prepared by mutual consent of the parties.
2. Learned counsel for the Respondents does not oppose the possibility of amicable settlement.
3. Let the parties sit together and consider whether it is possible to arrive at a settlement of preparation of

partition map by mutual consent.

4. List on 23rd September, 2024, under the caption “for direction”.

5. Today when the Interim Applications 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 16th February 2019 with a view to ensure that grievances are finally redressed in 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 petitions by passing the following order :-

ORDER

- (i) The impugned order passed by the Hon’ble Minister dated 10th 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 2nd 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 2nd 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 by 31st 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.

9. With disposal of the Petitions nothing would survive in the Interim Application Nos.11955 of 2024 and 11880 of 2024, which also stand disposed of.

SANDEEP V. MARNE, J.

Note: This order is corrected vide order dated 3 November 2025.