

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.1258 OF 2025**

M/s. Aum Developers

**...Petitioner**

**V/s.**

The State of Maharashtra and Ors.

**...Respondents**

**Mr. Anil Anturkar**, *Senior Advocate with Mr. Drupad Patil and Ms. Minal Chandnani for the Petitioner.*

**Mr. Hamid Mulla**, *AGP for Respondent -State.*

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

**Dated : 27 January 2025.**

**P.C. :**

1) Challenge in the present Petition is to the order dated 4 October 2023 passed by the State Government granting permission under the Proviso to Sub Section (1) of Section 257 of the Maharashtra Land Revenue Code, 1966 (**the Code**) for exercising the power of revision by the Sub Divisional Officer, Haveli in respect of Mutation Entries effected in the year 2009.

2) The learned AGP at the outset would raise a preliminary objection that Order dated 4 October 2023 is merely an administrative decision taken by the State Government and that

therefore the Petition would not lie before the Single Judge of this Court.

3) On the contrary, Mr. Anturkar would submit that the order dated 4 October 2023 has all trappings of *quasi* judicial adjudication since the same determines the rights and liabilities of the parties. He would submit that order records a positive finding that the concerned mutation entries have been effected contrary to the interim injunction granted by the Civil Court. He would further submit that Petitioner enjoyed protection from the mutation entries not being disturbed on account of bar to reopening the mutation entries on expiry of a period of 5 years and that such protection is sought to be withdrawn by the impugned order dated 4 October 2023. According to him, what the order actually does is both adjudication of merits of the case as well as taking away the protection expended to the Petitioner of not reopening the mutation entry after expiry of period of 5 years.

4) Mr. Anturkar would invite my attention to the Plaint in Special Civil Suit No.763 of 1991 to demonstrate that the properties covered by concerned mutation entries did not form part of the unamended Plaint when temporary injunction order was passed on 23 June 1994. He would submit that Application for amendment for the purpose of incorporation of the concerned properties in the Suit was filed on 12 August 2003 and the same amendment has been granted on 4 September 2012. He would

therefore submit that as on the date of execution of the Sale Deed in favour of the Petitioner, there was no fetter on purchase of the properties by virtue of temporary injunction on 23 June 1994. He would therefore submit that order dated 4 October 2023 deserves to be set aside.

5) Issue notice to the Respondents, returnable on **17 March 2025**. Mr. Mulla, the learned AGP waives service of notice on behalf of Respondent -State. In addition to court notice Petitioner to serve Respondent Nos.4 to 6 by private service and file affidavit of service before the next date of hearing.

6) Till the next date of hearing, the Sub Divisional Officer shall not proceed with the proceedings on the basis of order dated 4 October 2024.

**[SANDEEP V. MARNE, J.]**