

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1344 OF 2025

Kapil Mahendra Sharma

.....Petitioner

Vs.

The State of Maharashtra
through Principal Secretary, Revenue
and Forest Department & Ors.

.....Respondents

.....

Mr. Nikhil Dilip Waje, a/w Mr. Vishesh Srivastav, Mr. V. Tapkir,
Mr. mahesh Deshpande, Mr. Nikita Kanojiya, Mr. Siddhi Sawant,
Advocate for the Petitioner.

Mr. S. B. Kalal, Assistant Government Pleader, for the Respondent
Nos.1 to 4.

.....

CORAM : A. S. CHANDURKAR &

DR. NEELA GOKHALE, JJ.

DATE : 7th MAY 2025.

P.C.:-

1. By this Petition, the Petitioner seeks a direction to be issued to the Respondents to implement the order dated 11th January 2019 passed by the Divisional Commissioner, Konkan Bhavan, Konkan thereby restoring Mutation Entry Nos. 975 and 977 in the name of the Petitioner.

2. In the affidavit-in-reply filed on behalf of the Respondent No.4, it has been stated in paragraph no.3 that Writ Petition No.4535 of 2016 has been filed by the State of Maharashtra

through its Forest Department seeking to assert the status of the subject land as “reserved forest land”. The said Writ Petition is still pending. For this reason, the Respondents state that the mutation entries have not been carried out.

3. Considering the fact that by the order dated 11th January 2019, the Petitioner has succeeded in the proceedings before the Divisional Commissioner coupled with the fact that Writ Petition No. 4535 of 2016 preferred by the Forest Department is pending, the interest of justice would be served by accepting the affidavit cum undertaking of the Petitioner dated 7th April 2025. In paragraph nos. 1 to 3 of the same, it has been stated as under:

“1. I undertake to serve eight weeks prior notice to the Petitioner in Writ Petition No.4535 of 2016, if I intend to apply for change of user of the said land i.e. land bearing Revenue old Survey No.297, of Village Ovale, Taluka and District Thane and New Survey No.21 Village Bhayandarpada, Taluka and District Thane.

2. I understand and accept that the mutation entries No.975 and 977 will be subject to the outcome of Writ Petition No. 4535 of 2016.

3. I say that I am filing this Affidavit as an undertaking to the Honble Court and I will abide by the same.”

4. The affidavit cum undertaking is taken on record and marked 'A' for identification.

5. Accordingly, subject to the terms of undertaking referred to hereinabove and by clarifying that the Petitioner shall not claim any equity, it would be open for the Respondents to implement the order dated 11th January 2019 passed by the Divisional Commissioner Konkan Bhavan, Konkan.

6. The needful to be done within a period of eight weeks of receiving copy of this order. The Writ Petition is disposed of in aforesaid terms.

(DR. NEELA GOKHALE, J.)

(A. S. CHANDURKAR, J.)