

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3729 OF 2025

Dhanpatsingh Amarchand Hingarh

.. Petitioner

Versus

District Superintendent Of Land Records and
Ors.

.. Respondents

.....

- Mr. Rajesh G. Singh a/w. Ms. Rutika R. Mody, Advocates for Petitioner.
- Mr. Kushal Amin, AGP for Respondent No.1.
- Mr. Asif Khatri, Advocate i/by Mr. Habibur Rehman Ansari for Respondent Nos.2 to 9.

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 15, 2025

P.C.:

1. Heard Mr. Singh, learned Advocate for Petitioner; Mr. Amin, learned AGP for Respondent No.1 and Mr. Khatri, learned Advocate for Respondent Nos.2 to 9.

2. The order dated 14.01.2025 which is impugned in the present Writ Petition is passed by District Superintendent Of Land Records (for short '**DSL**R') condoning delay of 56 years without assigning reasons as reflected in the order dated 18.03.2025 passed by my predecessor (Coram : Amit Borkar, J.). The impugned order is appended at page No.59.

3. *Prima facie*, on reading of the said order, it is seen that learned statutory Officer has stated therein that he has found sufficient

cause for condoning delay but has left the issue to be decided alongwith final hearing of statutory Appeal which has been filed.

4. In RTS proceedings unless delay is condoned the statutory Officer does not assume jurisdiction to decide the Appeal. This is settled law in view of judgement passed by this Court notably in the case of *Balkrishna Sadashiv Thakur and Ors. Vs. Prabhakar Sadashiv Thakur and Ors.*¹. Such order passed by statutory Officer is unsustainable and impermissible in law.

5. In any event, the concerned Officer is required to determine the condonation of delay Application on its own merits and in accordance with law and only thereafter he can consider the statutory Appeal filed for challenging the Mutation Entry, if he condones the delay.

6. Needless to state that Mutation Entries do not determine right, title and entitlement of parties and are infact passed for fiscal purposes in revenue proceedings.

7. Be that as it may, parties if they are concerned with their right, title and entitlement to the subject land, they may approach the appropriate Civil Court having original jurisdiction and file appropriate suit proceedings as available to them in law.

8. For the present, impugned order dated 14.01.2025 been

¹ Writ Petition No.2658 of 2018 decided on 10.02.2021.

unsustainable in the manner in which it is passed is quashed and set aside relegating Application filed by Applicant for condonation of delay to be decided on its merits and in accordance with law.

9. Needless to state that Application for condonation of delay shall be decided strictly in accordance with law and only thereafter the statutory Appeal be decided depending upon its outcome.

10. All contentions of parties are kept expressly open.

11. With the above directions, Writ Petition is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2025.09.16
15:06:25 +0530