

INTERIM APPLICATION NO. 10228 OF 2025

State Of Maharashtra Throu. ... Respondents
Govt Pleader And Ors

Mr. Ketan Joshi, 'B' Panel with R.M. Shinde, AGP, for the State.

DATE : 1ST DECEMBER 2025

PC:

1. Heard Mr. Khandeparkar, learned Senior Advocate, appearing for the Petitioner, Mr. Vashi, learned Senior Advocate, appearing for the private respondents and Mr. Joshi, appearing for the State and its functionaries.

2. Order impugned in the present Writ Petition is appended at Page No. 27 dated 21/2/2025 passed by the DSLR

i.e. District Superintendent of Land Records in RTS proceeding under Section 247 of the Maharashtra Land Revenue Code, 1966.

3. The said order has been challenged in Revision proceedings before the State and the Revision is pending. When the petition is filed, this fact of the Revision being pending is not disclosed in the petition.

4. In the affidavit-in-reply to the petition, the private respondents have disclosed this fact and upon taking instructions, Mr Khandeparkar, the learned Senior Advocate in his usual fairness concedes to the fact that Revision has been filed and it is indeed pending but due to inadvertence and exigency which he has expressed across the bar the said fact was not mentioned. Though it is propounded by Mr. Vashi that there is suppression of facts, still I would like to give the benefit of doubt to the petitioners as Mr. Khandeparkar at the outset has accepted the above lapse. That apart Mr. Vashi, has also pointed out that ad-interim order passed by this Court was obtained without disclosing to the Court about the demise and passing away of one of the original petitioner. Incidentally the petitioner who has passed away is the sole petitioner before the State in the Revision proceedings.

6. In that view of the matter, the petitioner will have to take appropriate steps to substitute the legal heirs of the deceased-petitioner as also implead the petitioner whose name is not stated in the cause title Revision proceedings. That leave and liberty is granted by the Court to the petitioner to correct the Revision proceedings accordingly. The State shall allow the said amendment to be carried out within a period of two weeks from today in the Revision proceedings. A copy of the amended cause title in the Revision proceedings shall be served on Mr. Vashi's client immediately thereafter to enable to them to know the array of the parties.

7. In view of the above facts, this Court cannot be a Court of fact and give its imprimatur on disputed questions of fact, inter alia, pertaining to the *lis* before the DSLR in respect of mutation entry and area of the property between the parties. Since statutory Revision proceeding is pending, I direct the Revision Authority-State to determine the Revision strictly in accordance with law after hearing both the sides and pass a reasoned speaking order within a period of six weeks from the date of carrying out the amendment as directed hereinabove in the Revision proceedings.

8. Needless to state that all contentions of both the parties are

expressly kept open without this Court giving any imprimatur on merits of the matter. When the Revision proceedings would be heard and decided, the same shall be decided strictly in accordance with law after hearing both the sides on all issue including issue of limitation as pleaded by the petitioner.

9. In the meanwhile, ad-interim relief / interim relief which is pending shall continue till the disposal of the Revision proceedings before the State.

10. Liberty to apply.

11. Writ Petition stands disposed in the above terms.

(MILIND JADHAV, J)