

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6926 OF 2025

Krushnabai Vasantrao Kalbhor (Since ..Petitioners
Deceased Through Legal Heirs) & Ors

Versus

State of Maharashtra Through Secretary & ...Respondents
Ors

WITH

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Ors

Mr. Y. S. Jahagirdar, a/w S. S. Kanetkar, i/b Aditya Bendra,
for the Petitioner in both WP.

Mr. J. P. Patil, AGP for the State/Respondent Nos.1 to 6 in
WP/6926/2025.

Mr. Drupad Patil, i/b Shailesh Mhaske, and Namita Pansare,
for Respondent Nos.7(a) to 7(f) in both WP.

Ms. Aloka Nadkarni, AGP for the State in WP/6927/2025.

Mr. C. C. Kalbhor, son of Respondent No.7(a) present in Court.

CORAM: N. J. JAMADAR, J.

DATED : 10th JULY 2025

Oral Order:

1. Heard the learned Counsel for the parties.
2. The challenge in these petitions is to the orders passed by the Revenue Minister on 23rd September, 2024 in Revision No.RTS-3424/2397/Pra.No.365/J-5 and Revision Application

No.RTS-3423/1687/Pra.No.279/J-5, preferred by respondent Nos.7(a) to 7(f) thereby setting aside the common judgment and order dated 5th June, 2023 passed by the Divisional Commissioner, Pune, in RTS Revision No.485/2022 and 486/2022 and restoring the orders passed by the Collector in Appeal No.RTS/2/A/662/2021 and Appeal No.79/2019, dated 7th September, 2022.

3. The genesis of the dispute between the parties is in the succession to the estate of Chandrakant Kalbhor. Vasant and Ganpat, the predecessor-in-title of the petitioners, were the sons of Chandrakant Kalbhor. The petitioners claim that Babasaheb Kalbhor, who purportedly deposited outstanding amount of loan and interest thereon in the capacity of a son of Chandrakant was, in fact, not the heir of Chandrakant. Therefore, the order of re-grant of the subject land in favour of Babasaheb alongwith Vasant and Ganpat passed under Section 220 of the Maharashtra Land Revenue Code, 1966 ('the Code'), was itself illegal. The subsequent correction in the record of rights under Section 155 of the Code resultantly suffers from the same illegality.

4. In the maze of the revenue proceedings, the successor in interest of Babasaheb have instituted a suit being Special Civil

Suit No.291 of 1998 seeking partition of the purported joint family properties. The question as to whether Babasaheb was an heir of late Chandrakant Kalbhor and, thus, entitled to re-grant of the subject land, upon payment of outstanding amount, can be adjudicated by the Civil Court only.

5. In these circumstances, since a substantive civil suit is subjudice before the Civil Court at Pune, it would be appropriate that the parties work out their remedies before the Civil Court.

6. Since the Mutation Entry Nos.12635 and 15505 have been certified by the Tahsildar on the basis of the order passed by the Revenue Minister, in Application Nos.RTS-3424/2397/Pra.No. 365/J-5 and RTS-3423/1687/Pra.No.279/J-5, which are impugned in these petitions, the petitioners deserve an opportunity to file appropriate application before the Civil Court seeking interim reliefs with regard to the effect and operation of the said mutation entries, and also to restrain the private respondents/successor in interest of Babasaheb from acting upon the said mutation entries.

7. Mr. Patil, the learned Counsel for respondent Nos.7(a) to 7(f) - the revision applicants before the Revenue Minister, on instructions of Mr. C. C. Kalbhor, makes a statement that the

respondents will not act upon Mutation Entries No.12635 and 15505 and, henceforth, create any third party interest in the properties bearing Gat No.222 at Lonikalbhor and Gat Nos.127, 128, 129 and 105 at Kadamvak Vasti, Kalbhor, Taluka Haveli, for a period of four weeks from today.

8. The statement made by Mr. Patil on the instructions and behalf of respondent Nos.7(a) to 7(f) is accepted.

9. In the meanwhile, the petitioners are at liberty to take out appropriate proceedings before the Civil Court in the Civil Suit No.291 of 1998 seeking appropriate interim reliefs.

10. With the aforesaid liberty the petitions stand disposed.

[N. J. JAMADAR, J.]