LSP

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7112 of 2025

Manoj Himatlal Mehta …Petitioner

Versus

The State of Maharashtra and others …Respondents

Mr Ajit N. Jakhadi with Mr. Amol A. Chile, for the Petitioners.
Mr A.A. Alaspurkar, AGP for the Respondent Nos.1 to 4 -State.
Mr Yogesh H. Mehta, Respondent No.5 in-person present.

CORAM: SUMAN SHYAM &
S. M. MODAK, JJ.

DATED: 13th NOVEMBER 2025.

JUDGMENT (PER S.M.MODAK, J)

1. Considering the limited prayer involved in this petition, by consent of both the sides, we have taken it for final hearing.

2. There is a dispute pending in this Court on the original side in a testamentary suit. It is arising out of a Will alleged to have been executed by one Hansaben Manubhai Mehta. It is for grant of probate. The Petitioner claims that Hansaben has bequethed the property in his favour whereas it is disputed by Respondent No.5. After the death of Manubai Mehta on 5th January 2002, Hansaben has become the owner of the property. She died on 27th April 2020. The Petitioner relies upon the Will executed by her. At the same time the Petitioner - Manoj also claims to be the owner of 50% share in the said property. He claims to be the purchaser from one

Pratapsingh Bhatia. There is a mutation effected on the basis of said sale deed and name of Petitioner is entered. This was challenged by Respondent No.5 by way of an appeal preferred before District Superintendent of Land Records. The Appeal Number is 355/2023. There was, however, enormous delay in filing the Appeal. It was condoned on 28th February 2024.

3. The present Petitioner was aggrieved by the order condoning the delay and, therefore, he filed a Revision Application No.339/2024 before the Dy. Director of Land Records. The revision was dismissed on 26th November 2024.

4. The order dated 26th November 2024 was challenged by the Petitioner by way of Revision Application bearing No.189/2025 before the Revenue Minister-Respondent No.2. He has also sought stay of the appeal proceedings. The Petitioner's grievance is that the Revenue Minister is not hearing the matter for interim relief. That is why the present petition for issuing direction to the learned Minister to hear the stay application expeditiously apart from other reliefs.

5. Respondent No.5 has made submissions thereby supporting the order of condonation of delay and he tried to submit how the mutation entry, mutating the name of Petitioner-Manoj, is illegal. He has also disputed the execution of the Will. The learned AGP has also supported the orders passed by Revenue authorities.

6. It is true that the order of condonation of delay passed by District Superintendent of Land Records was challenged before the Dy. Director of Land Records. However, he has refused to stay the appeal proceedings.

7. The Petitioner has got right to challenge the said order and he has also filed Revision. However, the Hon'ble Minister has not passed any order in the Revision Application. It is a legitimate expectation of any party that his matter should be heard at the earliest. No doubt Petitioner has failed before Dy. Director of Land Records and that is why he has approached the Revenue Minister. Therefore, the prayer made by the Petitioner deserves to be properly considered without undue delay.

8. In view of the above, we are granting liberty to the Petitioner to make request to the learned Revenue Minister to decide the stay prayer and the revision application on a priority basis, as expeditiously as possible, but not later than six months from today. The Petitioner is also granted liberty to request for deferring the hearing of Appeal No.355/2023 pending before the District Superintendent of Land Records till the time, the revision application before the learned Minister is decided.

9. With these observtions, the writ petition is disposed of.

(S. M. MODAK, J.) (SUMAN SHYAM, J.)