

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8148 OF 2025

Rukmini Tukaram Bhomkar and others	...	Petitioners
Vs.		
State of Maharashtra thr. Revenue Department and others	...	Respondents

Mr. Ranjeet H. Patil a/w. Mr. Sumitkumar Nimbalkar, Mr. Bharat Shinde and Ms.Neha Rathod i/b. Mr. Govind Mundhe for Petitioners.

Mr. A. C. Bhadang, AGP for Respondent Nos.1 to 5.

CORAM : MANISH PITALE, J.
DATE : JUNE 23, 2025

P.C. :

1. The present writ petition is filed for a limited purpose. The learned counsel for the petitioners submits that there is an ongoing dispute between the petitioners and the contesting respondent Nos.6 to 10 in respect of mutation entry. It is the case of the petitioners that the respondent No.5 - Sub-Divisional Officer wrongly entertained an appeal filed by the contesting respondents, challenging the mutation entry in favour of the petitioners after a delay of about 29 years. The application for condonation of delay was allowed by the Sub-Divisional Officer and the proceedings arising therefrom are today pending before the Supreme Court in Special Leave Petition (Civil) No.3685 of 2025 (SLP).

2. The learned counsel for the petitioners submits that by an order dated 23.04.2025, while directing listing of the SLP on 21.05.2025, the Supreme Court was pleased to direct that *status-quo* shall be maintained. It is specifically stated that the aforesaid SLP is still pending before the Supreme Court and due to the summer vacation and partial working of the Supreme Court, specific next date is yet to be allotted in the SLP.

3. It is submitted that in the meanwhile, the proceedings on the merits of the appeal have also reached the respondent - Additional Commissioner, Konkan Division, wherein the petitioners have challenged orders passed by the respondents - SDO and Collector, holding in favour of the contesting respondents.

4. It is submitted that despite the pendency of the SLP and the *status-quo* order of the Supreme Court, the respondent - Additional Commissioner, in the impugned *Rojnama*, has directed that the parties shall submit their written arguments and that the matter stands closed for orders. It is submitted that the respondent - Additional Commissioner should hold his hands till the aforesaid SLP is pending before the Supreme Court, for the reason that if the SLP is allowed, there would be no occasion for determination of the merits of the matter and the petitioners would succeed on that count itself. In such a situation, it is submitted that the Additional Commissioner was expected to stay hearing of the revision proceedings, instead of directing that the matter stood closed for orders.

5. There is substance in the contentions raised on behalf of the petitioners.

6. In view of the above, issue notice for final disposal, returnable on 08.08.2025.

7. Mr. Bhadang, learned AGP waives notice on behalf of respondent Nos.1 to 5 State.

8. Additionally, the petitioners are permitted to serve respondent Nos. 6 to 10 by way of private service and file affidavit of service within three weeks from today.

9. In the meanwhile and till the next date of listing, respondent No.2

- Additional Commissioner, Konkan Division is directed to stay further proceedings in the pending revision application i.e. Revision Application No.151 of 2025.

10. The petitioners shall apprise this Court about the fate of the SLP on the next date of listing.

(MANISH PITALE, J.)

Minal Parab