

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9806 OF 2025**

Ananda Eknath Mankar & Anr.

...Petitioners

Versus

Late Ramu @ Rambhau Maruti Mankar

Since deceased through his LR's

1.A. Sanjay Rambhau Mankar & Ors.

...Respondents

Mr. Nachiket Khaladkar, for the Petitioners.

Mr. Ashutosh Kulkarni i/by Mr. Sainath S. Garade, for the Respondent Nos.
1.A. to 1.D., Through P.O.A.

Mr. N. C. Walimbe Addl. G.P. a/w Adv. V. G. Badgujar, AGP for the
Respondent Nos.24 to 29-State.

CORAM : SUMAN SHYAM &

SHYAM C. CHANDAK, JJ.

DATED : 3rd SEPTEMBER, 2025

P.C. :-

1) Present Petition seeking Writ of Mandamus/Directions against
Respondent No.29 to expeditiously hear and dispose of the Revision
Application filed by the Petitioners.

2) Heard Mr. Khaladkar, learned Counsel for the Petitioners, Mr.
Kulkarni, learned Counsel for the Respondent Nos.1.A. to 1.D. and Mr.
Walimbe, learned Addl. G. P. for the Respondent Nos.24 to 29-State.

3) Facts giving rise to this Petition, in brief, are that, Respondent
Nos.1.A. to 1.D. filed RTS Appeal before the SDO thereby, challenging

Mutation Entry No.1746 and 1861 in respect of partition of land bearing Survey No. 257 and 259 situated at village Wakad, Taluka- Mulshi, District- Pune. There was a delay of 50 to 60 years in filing the said RTS Appeal. Therefore, an Application for condonation of delay was also filed alongwith the said RTS Appeal. The Petitioners filed their reply to the said Application seeking condonation of delay. After hearing the parties and considering the facts, the SDO allowed the Application for condonation of the delay and admitted the RTS Appeal by his Order dated 22nd July, 2024. The Petitioners challenged the said Order of the SDO by filing Writ Petition No.13399 of 2024. The said Writ Petition came to be disposed off by this Court, observing that, the Petitioners have an alternative remedy, under the provisions of Maharashtra Land Revenue Code, to challenge the said Order passed by the SDO, and liberty was given to the Petitioners to exhaust the alternative remedy. As a result, the Petitioners filed the said Revision Application before the Revenue Minister challenging the said Order.

4) Mr. Khaladkar, learned Counsel for the Petitioners submitted that the Petitioners have filed an Application before the Respondent No.29 and prayed for urgent hearing of the Revision Application. Meanwhile, the Petitioners had also informed the SDO about pendency of the Revision Application. However, the SDO heard the matter on 13th May, 2025 and closed it for Order.

5) Perusal of the record indicates that when this Petition was listed

before this Court on 16th July, 2025, it was pointed out that despite the pendency of the Revision Application and the fact that the Application for stay could be heard before Respondent No.29, the SDO proceeded to hear the matter on merits and closed the matter for pronouncing the final order.

5.1) In this background, this Court passed the Order dated 16th July, 2025 therein in paragraph 6 it was observed and directed as under :-

"6. No doubt, the order passed by the SDO can be challenged before the higher forum, however, the challenge to the order condoning the delay is still pending. With a view to examine the matter further after hearing the respondents, we find it appropriate that till the next date, the SDO shall not pronounce the final order."

6) In view thereof, considering the facts and the rival submissions, we are of the view that, if the Revision Application is directed to be heard and decided finally within four months from today, and the said Order dated 16th July, 2025 is continued to hold the field till the said four months period, it will meet the ends of justice. The Petition deserves to be disposed of, accordingly. Hence the following Order :-

:: ORDER ::

(a) The Respondent No.29 to finally hear and decide the Revision Application challenging the Order dated 22nd July 2024, in the

Application for condonation of delay pertaining to RTS Appeal No.107 of 2022, within four months from the date of uploading of this Order on the official website of this Court. Till then, the Order dated 16th July, 2025 passed by this Court *i.e.*, "the SDO shall not pronounced the final Order" shall hold the field.

- (b) Petition stands disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)