

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10758 OF 2025

M/s. Anand Associates

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

.....

- Mr. Girish Godbole (Senior Advocate) a/w Mr. Shailendra Kanetkar & Mr. Shivraj R. Patne i/by Mr. Aditya P. Shrike, Advocates for Petitioner
- Mr. A.I. Patel, Addl. GP a/w Ms. G.R. Raghuwanshi, AGP for Respondent Nos. 1 to 4 - State
- Mr. D.S. Mhaispurkar a/w Mr. H.S. Pawaskar, Advocates for Respondent Nos. 5 to 8

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 16, 2025

P. C.:

1. Heard Mr. Godbole, learned Senior Advocate for Petitioner; Mr. Patel, learned Addl. GP for State and Mr. Mhaispurkar, learned Advocate for Respondent Nos. 5 to 8.

2. The present Petition challenges the Judgement and Order dated 02.09.2021 passed by Ld. District Superintendent of Land Records - Thane in Appeal S.R. No. 2157/21/2021, (ii) Judgement and Order dated 10.02.2022 passed by the learned Deputy Superintendent Land Records Kalyan in Appeal/Revision - 255 (3)/2022, (iii) Judgment and Order dated 06.01.2023 passed by the District Superintendent of Land Records Thane in Petitioner's Appeal No. S.R. 19 -22/2023 to the

extent that it partly rejects Petitioner's Appeal and (iv) Impugned Judgment and Order dated 04.04.2025 passed by Hon'ble Minister Revenue in RTS-2723/273/PR.KR.593/J-4.

3. The Respondent Nos. 5 to 8 had filed Appeal S.R. No. 2157/21/2021 before the Ld. District Superintendent of Land Records - Thane challenging Map M.R No. 1031 of 2004 dt. 23.12.2004 which demarcates the perimeter boundary of whole of Survey No. 16/6 and M.R. Map No. 524/2008 which demarcates the existing sub-hissas of Survey No. 16/6 viz. Survey nos. 16/6A to 16/6C.

4. By Impugned Judgement and Order dated 02.09.2021, the Ld. District Superintendent of Land Records - Thane has not only condoned the 11 years delay in preferring Appeal but also decided the Appeal on merits and remanded the matter to the Dy. SLR-Kalyan. The parties being aggrieved & dissatisfied have carried the proceedings upto to the State Government (Hon'ble Revenue Minister) in 2nd Revision Application u/s. 257 of the MLRC, 1966 being RTS-2723/273/PR.KR.593/J-4. The said 2nd Revision Application has been partly allowed by the Hon'ble Revenue Minister Maharashtra State and the matter has been remanded to the Dist. Superintendent of Land Records - Thane.

5. However, prior to filing the said Appeal S.R. No. 2157/21/2021 before the learned District Superintendent of Land Records Thane Mr. Govind Shisave (predecessor of the Respondent Nos. 5 to 8) had filed Special Civil Suit No. 349/2015 before the Civil Court Senior Division, Kalyan, *inter alia*, seeking a declaration that the registered Development Agreement dated 05.03.2005 executed by Govind Shisave (predecessor of Respondent Nos. 5 to 8) and 32 other co-owners in favour of the Petitioner and registered Deed of Conveyance dated 23.05.2013 executed by Govind D. Shisve and 32 other co-owners in favour of the Petitioner are null and void and they sought a further declaration that the 32 other co-owners have no right in the Suit Properties etc. During the pendency of the said Suit Mr. Govind Shisave expired and the Suit is continued by Respondent Nos. 5 to 8 as his legal representatives. It is seen that no interim or ad-interim reliefs have been granted in the said Suit till date.

6. Considering the fact that Respondent Nos. 5 to 8 have approached the Civil Court to claim their right, title and interest in the subject property by filing a substantive civil suit which is pending since 2015 without any interim reliefs being granted and the fact that the subject property is substantially developed by the Petitioner, this Court cannot give its imprimatur to their challenge to the demarcation map M.R. Map No. 524/2008 in writ jurisdiction raising disputed questions

of facts. Expressing any opinion or imprimatur regarding title on facts pleaded at this stage would affect the substantive rights of the parties in the civil suit where parties shall be leading evidence / rebuttal evidence.

7. Thus without going into the merits it would be just and equitable to set aside the above-mentioned impugned Judgement and Order dated 02.09.2021 passed by Ld. District Superintendent of Land Records Thane in Appeal S.R. No. 2157/21/2021 and all other subsequent impugned Judgments and Orders passed thereof namely:

(i) Judgement and Order dated 10.02.2022 passed by Ld. Dy. S.L.R. - Kalyan in Appeal/Revision - 255 (3) /2022, (ii) Judgement and Order dated 06.01.2023 passed by Ld. District Superintendent Land Records - Thane SR-19-22/23 in Appeal/SR-19-22/23, (iii) Judgement and Order dated 19.10.2023 passed by Ld. Deputy Director of Land Records - Kokan Division in Appeal S.R. No. 175/2023 (iv) Judgement and Order dated 04.04.2025 passed by the Hon. Minister - Revenue in RTS Revision No. 2723/273/PR.KR.593/J-4. It is, however, made clear that the demarcation map bearing M.R. No. 524/2008 shall be subject to the final determination and result of the Special Civil Suit No. 349/2015 between parties and Plaintiffs in the said Suit shall be entitled to assail the validity & legality of the said Measurement Map. The Respondent Nos. 5 to 8 are granted liberty to agitate all their

issues pertaining to their title and boundary dispute in Special Civil Suit No. 349/2015 pending before the 3rd Joint Civil Judge S.D. Kalyan and likewise the Petitioner and other Defendants, therein, shall have the liberty to defend the said Suit on merits.

8. This Court has expressed no opinion on the merits of the matter and all contentions, including limitation and maintainability, are expressly kept open. If the private Respondents succeed in the Suit liberty to apply to the DSLR for appropriate correction of their boundaries.

9. The hearing of the Suit is expedited.

10. Liberty is granted to the Plaintiff to amend the Plaint by making appropriate Application.

11. Learned Trial Court shall not be influenced by any of the observations made in the present order and shall strictly decide Exh 5 Application as also any such Applications on their own merits in accordance with law.

12. The above Writ Petition is disposed off in the above terms.

[MILIND N. JADHAV, J.]

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by RAVINDRA
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