IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10845 OF 2025

Ms. Nashik Enterprises Thr. Mr. Vijay F. Sabhadra And Ors. ...Petitioners

VERSUS

The State of Maharashtra through Collector Nashik & Ors. ...Respondents

....

Mr. Nikhil Sakhardande, Senior Advocate a/w Mr. Akshay Petkar, Mr. Vivek Punjabi, Ms. Parichehr R. Zaiwalla, Mr. Priyansh Jain, Mr. Venugopal Ashish i/by Adv. Parichehr Zaiwalla, Advocate for the Petitioners.

Mr. Girish Nagori a/w Ms. Shubhangi Bharde (through V.C.), Advocate for the Respondent No.5.

Ms. Neha S. Bhide, GP a/w Mr. B. V. Samant, Addl. GP for the Respondent – State.

....

CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.
DATE : 06th AUGUST, 2025

P.C.:

1. Heard the learned Senior Counsel for the petitioners.

2. The order impugned in this petition is dated 4th August 2025, which is annexed at page 16 to the petition.

3. The petitioners had filed the writ petition bearing Writ Petition No. 7326 of 2025, wherein this Court on 17th July

2025 had passed the following order :

> *"1. Heard learned counsel for the parties.*
>
> *2. Mr. Sakhardande, learned Senior Advocate for the Petitioners made an attempt to contend that the impugned order passed by the Additional Tahsildar, Nashik is without jurisdiction and therefore though there is a remedy of filing an Appeal before the Maharashtra Revenue Tribunal, this Court can still entertain the present Writ Petitions. However, when we showed our disinclination to entertain the petition in view of availability of remedy of appeal, Mr. Sakhardande, learned Senior Advocate, on instructions, submitted that the Petitioners will approach the Maharashtra Revenue Tribunal. Learned Senior Advocate submits that the revenue entries are in favour of the Petitioners since 1989 and therefore a limited protection be granted. Learned Senior Advocate for the Petitioners on instructions makes a statement that no third party interest in the property shall be created by the Petitioners.*
>
> *3. Mr. Salunkhe, learned counsel for the Respondent Nos.4 to 10 opposed this request. It is submitted that on the last occasion already an order is passed that all steps taken shall be subject to the outcome of these Writ Petitions.*
>
> *4. However, with a view not to precipitate the matter and enabling the Petitioners to make out a case for interim reliefs before the Maharashtra Revenue Tribunal we direct that the status quo as on today shall be maintained for a period of four weeks. It is made clear that the Maharashtra Revenue Tribunal shall proceed to consider the application if made for interim reliefs on its own merits without being influenced by this limited protection.*
>
> *5. All contentions of the parties are kept open.*
>
> *6. Writ Petitions are disposed of as withdrawn with liberty as prayed for."*

4. Thus, in terms of the said order, we have clearly indicated that the *status quo* as on 17th July 2025 be maintained for a period of four weeks.

5. It appears that there was some delay in communicating this order to the Additional Tahsildar, Nashik. Consequently, the Additional Tahsildar acted on the order which was impugned in Writ Petition No.7326 of 2025 and made the necessary changes in the revenue records. However, when the matter was mentioned before this Court at 3:00 p.m., we were informed by the learned AGP that the *status quo* order passed by this Court was then brought to the notice of Additional Tahsdilar. The Additional Tahsildar, in our view, adopted the correct approach and accordingly, reversed the entry, in view of the *status quo* order passed by this Court, which is annexed at page 131 of the paper book.

6. It is now brought to our notice that the Sub-Divisional Officer, Nashik (for short 'SDO'), in exercise of suo motu powers, passed the order dated 4th August 2025. This order is passed supposedly and as the learned AGP says was on the ground that nothing was directed by this Court as regards the reversal of the revenue entry. In fact, the learned SDO, at paragraph No.3, stated that the action should be taken against the learned AGP, Ms. Reena Salunkhe. However, it is evident that the AGP acted in her capacity as an officer of the Court when, during the 3:00 p.m. mentioning, on the very same day she informed the Additional Tahsildar about the breach of the *status quo* order. Even the Additional Tahsildar did well to act upon the instructions of the learned AGP and corrected the revenue entry in terms of the order passed by this Court. We refrain from making any observations as may be the learned SDO was under the impression that there was no specific written order of this Court. We can only say that the learned AGP had correctly informed the Additional Tahsildar as to what had transpired in the Court. We do not wish to take the matter any further. Suffice it to observe that the order dated 4^{th} August 2025 needs to be quashed and set aside, and it is accordingly quashed and set aside.

7. In this view of the matter, the revised order dated 5^{th} August 2025 passed by the SDO, which is now placed on record has no legal effect and is rendered inconsequential.

8. The petition is disposed of.

(N. R. BORKAR, J.) **(M. S. KARNIK, J.)**