



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10889 OF 2025**

Dilip Dagadu Mahadik ... Petitioner
versus
The State of Maharashtra and Ors. ... Respondents

Mr. Sujay H. Gangal with Mr. Mithil C. Inamdar, Mr. Harshal Mule, Mr. Varun Thanewala, for Petitioner.

Smt. S.D.Chipade, AGP for Respondent Nos.1 to 3.

Mr. Vaibhav Ugle, for Respondent Nos.6, 7 and 9.

Mr. G.S.Jadhav i/by Mr. Pranav Bhoite, for Respondent No.8.

CORAM: N.J.JAMADAR, J.

DATE : 12 AUGUST 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 24 July 2025, passed by the Additional Divisional Commissioner, Pune, whereby the Additional Divisional Commissioner declined to grant stay to the execution, operation and implementation of an order passed by the Additional Collector in RTS Appeal No.334 of 2023.
3. Mutation Entry No.5269 (7069), which has been directed to be deleted by an order dated 6 November 2023, passed by Sub-Divisional Officer, was effected in the year 1969. The said order has been affirmed in the Appeals. In the Revision preferred against those orders, the Additional Divisional Commissioner was of the view that, in the event stay is granted to the order

passed by the Additional Collector in the Second Appeal, the Petitioner may, by taking undue advantage of the said mutation entry, create encumbrances on the property or otherwise create third party interest therein. Therefore, the Petitioner did not deserve the grant of interim relief.

4. As noted above, the mutation entry in question, was certified in the year 1969. The Revision Application before the Additional Divisional Commissioner is subjudice. The Revision Application is posted for hearing on 8 September 2025. Having regard to the period for which the mutation entry holds the field, it would be expedient that the said position is maintained till the final hearing and disposal of the Revision Application.

5. At the same time, the apprehension expressed by the Additional Divisional Commissioner can be taken care of by directing the Petitioner, not to create any third party rights over the subject property on the strength of the mutation entry No.5269 (7069), till the final disposal of the Revision Application.

6. Hence, the following order :

ORDER

- (i) The Writ Petition stands partly allowed.
- (ii) The impugned order stands quashed and set aside.
- (iii) Till the final disposal of Revision Application No.417 of 2025, the execution and operation of the order passed in RTS Appeal No.334 of 2023,

which confirms the order passed by the Authorities below, shall remain stayed.

(iv) The Petitioner shall not create any encumbrance over the subject property or otherwise create any third party interest in the subject property on the strength of mutation entry No.5269 (7069), of whatsoever nature, till the final disposal of the Revision Application.

(v) It is clarified that this Court has not entered into the merits of the matter and the Additional Divisional Commissioner shall decide the Revision Application on its own merits and in accordance with law, without being influenced by the observations hereinabove, which were confined to the determination of the legality and propriety of the impugned order only.

(vi) The Additional Divisional Commissioner is requested to make an endeavour to decide the Revision Application as expeditiously as possible.

(vi) The Writ Petition stands disposed.

(N.J.JAMADAR, J.)