

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12168 OF 2025

Pravin Prakash Dhamdhare

Petitioner

Versus

The State of Maharashtra and ors.

Respondents

with

WRIT PETITION NO.8575 OF 2025

Chandar Khandu Waghchure

Petitioner

Versus

The State of Maharashtra and ors.

Respondents

Mr. Sumit V. Khaire, Advocate for Petitioner in both petitions.

Mr. Ketan Joshi, 'B' Panel Counsel for State in Writ Petition No.12168 of 2025.

Ms. M. P. Thakur, AGP for Respondent-State in Writ Petition No.8575 of 2025.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 24th September 2025

P.C.

1. Writ Petition No.8575 of 2025 is not on board. It is taken for passing order as the connected matter is on board.

2. Rule, made returnable forthwith. Learned counsel for the respondents waives service. By consent of the parties, heard finally.

3. Writ Petition No.12168 of 2025 under Article 226 of the Constitution of India is filed by the petitioner for the following relief :

- a. This Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate Writ, Order or direction to Respondents to delete entry of reservation for the project affected person from other right column of the 7/12 extract of the land bearing Gat

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No. 2143,2588, 2969/1, 2151 respectively area admeasuring 00 H 67 R. 01 H 07 R + 00 H 01 R P.K & 01 H 24 R, 00H 32 R situated at Village Talegaon Dhamdhere, Tal-Shirur, Dist-Pune.

4. Writ Petition No.8575 of 2025 under Article 226 of the Constitution of India is filed by the petitioner for the following relief :

- a. This Hon'ble Court be pleased to issue a writ of Mandamus or any other appropriate Writ, Order or direction to Respondents to delete the entry of "subject to right of acquisition as per the Rehabilitation Act transfer only for Agriculture" from the other right column of the 7/12 extract of the land bearing Land Gat No 178 & 292 area admeasuring 1 H 60 R & 00 H 13 R respectively.

5. Since the facts in both petitions are similar, the facts of Writ Petition No. 12168 of 2025 are referred to for convenience.

6. The petitioner is the owner of land as set out in the prayer clause (supra). The grievance of the petitioner is that there is mutation entry as incorporated in the petitioner's land showing the same to be reserved for allotment to the Project Affected Persons (PAP) dated 15th June 1998 under the remark "Reserved for Rehabilitation". It is the petitioner's contention that the land acquisition procedure was initiated to acquire the said land. However, the proceedings were not completed. The revenue entry, however, came to be made to mutate the remark "As reserved for rehabilitation". It is hence, the petitioner's contention that once the land acquisition itself has not been taken forward, there is no question of same mutation remaining on the revenue records regard to the same entry and it shall adversely affect the petitioner's valuable right granted by the

Constitution of India under Article 300A. It is submitted that such issues had arisen before this Court on the earlier occasion. In supporting the contention, our attention is drawn to the order dated 23rd August 2024 passed in Writ Petition No.7932 of 2024 (Mansingh Kondiba Kade versus The State of Maharashtra and Ors.), in which, the Court following similar orders in the case of (*Parubai Yashwant Thorat vs. State of Maharashtra and Ors.*) in Writ Petition No.10857 of 2024 decided on 16th August 2024 granted relief by directing the State Government to remove the entries as made in revenue record similar to the case of the petitioner. Also reference is made in the said order to the orders dated 8th February 2024 passed in Writ Petition No.1689 of 2024 (*Hirabai Popat Wadaghule versus State of Maharashtra and ors.*) where a similar view was taken.

7. Learned AGP would not dispute as to what has been contended by the petitioner. He would also on instructions submit that the land acquisition proceedings qua the petitioner's land were not taken forward. Consequently, there was no award published, so as to justify the entry in the revenue record indicating the name of the State Government.

8. In this view of the matter, we are inclined to allow these petitions as such entries reserving the petitioner's land without acquisition cannot continue for such substantial period, as this is certainly prejudicial to the rights and interest of the petitioner to hold the land free from any such encumbrance. The petitioner's rights guaranteed under Article 14 and 300A of the Constitution of India are prejudicially affected by such action of the respondents. Also there is no justifiable

reason as the law would require to maintain such entries. The petitions are accordingly allowed in the following terms:

ORDER

I) The petitions stands allowed in terms of prayer clause (a).

Necessary action to delete the entries be taken within a period of 10 weeks from today.

9. We have adjudicated the petitions on the limited issue as discussed hereinabove. We keep open all contentions of the petitioner and that of the respondents in the event the land is required in future for any public purpose for which lawful procedure of acquisition will be required to be resorted.

10. Disposed of. No costs

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)