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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13120 OF 2025

Shree Krishna Woolen Milk Pvt. Ltd.

.. Petitioner

Versus

Sayad Hussain Choudhary alias
Jakaula Choudhary and Ors.

.. Respondents

.....

- Mr. Shanay Shah a/w. Mr. Hamza Lakhani, Kushan Kode and Mr. Dev Mehta, Advocates i/by Vashi and Vashi for Petitioner.
- Mr. Karan Vaity a/w. Pushkar Naik for Respondent No.1.
- Mr. A.I. Patel, Addl. G.P. a/w. Mr. J. P. Patil, AGP for Respondent – State.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 14, 2025.

P.C.:

1. Heard Mr. Shah, learned Advocate for Petitioner; Mr. Vaity, learned Advocate for Respondent No.1 and Mr. Patel, learned AGP for Respondent – State.

2. In this case, on 09.12.2024, Respondent No.1 made an Application to the concerned Collector, Mumbai Office of Collector at Bhandup stating that the Sanad order and the mutation entry which was carried out was incorrect and the same be rectified according to the Consent Decree dated 09.07.2019 passed by the learned Trial Court in Show Cause Suit No.6681 of 2006.

3. Once both the parties are *ad idem* there is no reason as to why requisition made to the Divisional Commissioner in Appeal by the present Petitioners was dismissed or for that matter required to be considered as not filed within the prescribed time period. No purpose or reason will be served by looking at the delay in filing the Application, rather it would be in the interest of justice if the intention of the parties as contained in the Consent Terms dated 09.07.2019 leading to passing of the Consent Decree which encloses the map and the specific area of the properties belonging to Petitioner and Respondents is appropriately carved out / sub-divided / demarcated as per the provisions of the Maharashtra Land Revenue Code, 1966 read with the Rules therein.

4. Needless to state that parties shall deposit whatever statutory payments that are required to be deposited by the parties for carrying out the measurement / demarcation / sub-division as available to the parties in law with the Statutory Officer. Statutory Officer of the Revenue Department is directed by this Court to inform the charges due and payable by the parties for the purpose of demarcation / sub-division to be carried out strictly in accordance with law. The area of the properties stated therein belonging to Petitioner and Respondents and the map are appended thereto which shall be considered by the Statutory Officer.

- 5.** All contentions of the parties are kept open.
- 6.** In view of this order, the impugned order stands quashed and set aside.
- 7.** The concerned City Survey Officer, Talathi and all concerned Revenue Officers are directed by this Court to act upon a server copy of this order and ensure that the sub-division / demarcation is carried out and appropriate mutation entry is reflected to the extent of the areas specified in the Consent Decree against the name of Petitioner – Company and the private Respondents before the Court in the present Writ Petition.
- 8.** Copy of this Petition shall be served on the learned Government Pleader who represents and espouses the cause of Revenue Officers. Copy of this order shall be informed by the learned AGP to the concerned Officers for implementation.
- 9.** Needless to state that the aforesaid directions shall be implemented as expeditiously as possible and in any event within a period of ten (10) weeks from today in accordance with law.
- 10.** Parties are directed to cooperate with the concerned City Survey Officer and the other concerned Revenue Officers with the aforesaid exercise under the Maharashtra Land Revenue Code, 1966

and its Rules.

11. Parties are permitted to place a server copy of this order before the concerned Revenue Officers and once the said copy is placed, Revenue Officers shall adhere to the aforesaid timeline and implement this order in accordance with law.

12. With the above directions, Writ Petition is allowed and disposed.

[MILIND N. JADHAV, J.]

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