

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

WRIT PETITION NO. 16946 OF 2025

- | | |
|--|-------------------|
| 1. Shri. Raju Thakurdas Jaisinghani |) |
| Age: 60 years, Occ: Business |) |
| Having Flat No. 202, |) |
| Ratandeep Apartment, Ulhasnagar-3, |) |
| Taluka-Ulhasnagar, District-Thane. |) |
| | |
| 2. Shri. Srichand S. Moryani |) |
| Age: 87 years, Occ: Business |) |
| R/o Flat No.05, 3 rd Floor, |) |
| Saraswati Sagar, Near Gol Maidan, |) |
| near Nirankari Hall, |) |
| Ulhasnagar-3, District-Thane. |) |
| | |
| 3. Sagar Deepak Moryani |) |
| Age: 30 years, Occ: Business |) |
| R/o Flat No.05, 3 rd Floor, |) |
| Saraswati Sagar, Near Gol Maidan, |) |
| near Nirankari Hall, |) |
| Ulhasnagar-3, District-Thane. |) ... Petitioners |

Versus

- | | |
|--|---|
| 1. The State of Maharashtra |) |
| Through its principal Secretary, |) |
| Revenue and Forest Department, |) |
| Government of Maharashtra, Mantralaya, |) |
| Madam Cama Road, |) |
| Hutatma Rajguru Chowk, |) |
| Mumbai-400032 |) |
| to be served through the Office of |) |

Government Pleader,)
Bombay High Court.)

2. The Collector, Thane District,)
Court Naka, Ad Prabhakar Hegde Road,)
Kharkar Alli, Thane (W), District)
to be served through the Office of)
Government Pleader, Bombay High Court)
)

3. The Tahsildar, Ambernath,)
Taluka-Ambernath)
District-Thane, to be served through)
the Office of Government Pleader,)
Bombay High Court.)
)

4. The Tahsildar, Ulhasnagar,)
Taluka-Ambernath)
District-Thane, to be served through)
the Office of Government Pleader,)
Bombay High Court.)
)

5. Shri. Jagdish Rataram Choudhari)
Age: 25 years, Occ: Business)
R/o Khoni, Taluka-Kalyan,)
District-Thane,)
Through Power of Attorney Holder)
Sou. Banu Abdul Shaikh)
Age : 36 years, Occupation:Service)
R/o. Khoni, Taluka Kalyan,)
District-Thane.)
)

6. Shri. Manish Rataram Choudhari)
Age: 33 years, Occupation: Labour)
)
)

7. Smt. Pyaridevi Rataram Choudhari)
Age: 53 years, Occupation: Labour)
Respondent Nos. 06 & 7)
R/s Room No. 111, Plot No. 12,)
Shivam Apartment, Sector,-2E,)
Kalmboli Road, Taluka-Panvel,)
District-Raigad.) ... Respondents

Mr. Girish S. Godbole, Senior Advocate i/b Mr. Yatin R. Shah, for the
Petitioners.

Mr. Saket Mone, 'B' Panel Counsel for the Respondent Nos. 1 to 4-
State.

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 15th DECEMBER, 2025.

Order (Per Sandesh D. Patil, J) :

1. Heard learned Counsel for the parties.
2. By the present Writ Petition, the Petitioner is praying for the
following reliefs:

“(a) Rule be issued;

(b) This Hon’ble Court may be pleased to issue writ of mandamus or any other writ, order or direction in the nature thereof under Article 226 of the Constitution of India, 1950, thereby directing

the Respondent No. 04 to take decision on the application of the Petitioners filed under Order 7 Rule 11 (a) to (d) of the Civil Procedure Code, 1908 read with the Mamlatdar's Courts Act 1906 before deciding main proceeding bearing क. /कुळवहिवाट/शेजऱ्या/ 84क/ एस. आर. [02/2024](#) instituted under Section 84(c) of the Maharashtra Tenancy and Agricultural Lands Act, 1948.

(c) Pending and the hearing and final disposal of the Writ Petition, this Hon'ble Court may be pleased to stay all further proceedings in proceeding bearing क. /कुळवहिवाट/शेजऱ्या/ 84क/ एस. आर. [02/2024](#) instituted under Section 84(c) of the Maharashtra Tenancy and Agricultural Lands Act, 1948 pending before the Respondent No.04.

(d) This Hon'ble Court be pleased to grant to the Petitioners ad interim and interim relief in terms of prayer clause (c) of this Writ Petition.

(e) Any other order in the interest of justice and kindness be passed as and when necessary."

3. Taking into consideration the nature of reliefs sought by the Petitioners, we are of the view that there is no need to issue notice to the Respondent Nos.5, 6 and 7.

4. Heard Ms. Girish S. Godbole, learned Senior Advocate appearing for the Petitioners and Mr. Saket Mone, 'B' Panel Counsel

for the Respondent Nos.1 to 4-State. The Respondent No.7 herein had preferred Writ Petition No.11711 of 2025 in this Court thereby seeking a direction to the Respondent No.4 (in the said Petition in Writ Petition No.11711 of 2025) to decide his application dated 26/12/2023. While hearing the Petition, the learned AGP appearing in that Petition had made a statement, that Petitioner's application would be decided within six weeks from the date of receipt of the said order. Accordingly, the Petition was disposed of by this Court (Coram: Revati Mohite Dere & Sandesh D. Patil, JJ) vide order dated 11/09/2025. It was however, made clear while passing the said order that the Court had not gone into the merits of the Petitioner's application pending before the Authorities.

5. Now, in this Petition the grievance of the Petitioners is, that the Respondent No.4 is not passing any order on the Petitioner's application preferred under Order 7 Rule 11 of the Code of Civil Procedure, before the Respondent No.4, much prior to the passing of the order dated 11/09/2025. This Court had directed the Respondent

No.4 by virtue of the order dated 11/09/2025 passed in Writ Petition No.11711 of 2025, to decide the proceedings क./कुळवहिवाट/शेजऱ्या/84क/ एस. आर. 02/2024 expeditiously. Mr. Girish S. Godbole, learned Senior Advocate for the Petitioners states that the Respondent No.4 has further declined to decide the application dated 02/08/2024 filed by the Petitioner under the of Order 7 Rule 11 of Code of Civil Procedure.

6. Learned Counsel Mr. Saket Mone states that appropriate order be passed in the present Writ Petition.

7. After hearing both the parties and after perusing the order dated 11/09/2025 passed in Writ Petition No. 11711 of 2025, it is clear that while passing the said order, this Court had only recorded the statement of the learned AGP on the basis of instructions given by the Tahsildar, who was present in the Court, that the Petitioner's Application will be decided within six weeks from the date of receipt of the order. We have nowhere foreclosed the rights of the Petitioners.

Further, we have not directed that the application of the Petitioners under the provisions of Order 7 Rule 11 of the Code of Civil Procedure should not be decided. It is settled law that if any application is made under the provisions of Order 7 Rule 11 of Code of Civil Procedure, the same has to be decided and it cannot be kept in abeyance.

8. We accordingly, direct the Respondent Nos.1 to 4 to hear the application of the Petitioners pending before them under Order 7 Rule 11 (a) to (d) of the Code of Civil Procedure read with Mamlatdar's Court Act, 1906. In the event, application under Order 7 Rule 11 preferred by the Petitioners is allowed, there is no further question of deciding the application of the Respondents under Section 84(c) of the Maharashtra Tenancy and Agricultural Lands Act, 1948. However, if the application under Order 7 Rule 11(d) is rejected then the Respondent No.4 to abide by their statement given to this Court, which is recorded in its order dated 11/09/2025.

9. With the aforesaid observation, nothing survives for further consideration in the present Petition and Petition is accordingly disposed of.

10. Writ Petition is disposed of accordingly.

11. All concerned parties to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)