



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO. 228 OF 2026

SANJAY ABA KHAMKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. K.M. Nagarkar, Advocate for petitioner

Mr. S.B. Pulkundwar, AGP for State

...

CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 10th FEBRUARY, 2026

ORDER :

. Present petition has been filed for directions to respondent No.3 to decide representation dated 13.03.2025.

2 Heard learned Advocate for petitioner. Learned AGP waives notice for respondent Nos.1, 2, 5 and 6. No necessity to issue notice to other respondents.

3 At the outset, we would like to impress that merely because a representation has been filed, this Court cannot give directions to any

authority to decide that representation, especially when it comes to the disputed facts. Such directions cannot be issued in view of the fact that the said authority may not be having authority to decide such representation.

4 Here, the facts of the case are that as per the Government policy, the petitioner's father appears to have been allotted a land for construction of house on 08.01.1975 along with other 67 persons. It was found at that time that the petitioner's father was homeless. Petitioner's father received the possession of plot No.14 and accordingly, Tahsildar had issued the letter and also name of father of petitioner was entered in the property card. According to petitioner, after the allotment of plot the house was constructed, but due to economic condition of petitioner he shifted temporarily to Pune for certain period. According to petitioner, in between one Mangal Madhukar Sutar trespassed into the house of petitioner. Son of said Mangal was serving as Gramsevak. Taking into consideration disadvantage of the circumstance that petitioner was not residing in the village, the husband of the lady got a false and fabricated document prepared on a non judicial stamp paper document on 13.06.1994, wherein the vague thumb impression of petitioner's father was appearing. By the said document it was stated that, that property has been given to said lady's husband. That document was not a registered document; yet her name came to be mutated. Thereafter, said lady had filed

Regular Civil Suit No.271/2021 for declaration of ownership. The petitioner had appeared in the matter and filed the written statement. However, that suit came to be dismissed in default on 27.07.2023. Now, the petitioner states that his name should be entered to the said property, for which he has made the representation and respondent No.3 should decide the same.

5 When all these disputed facts are there, though Regular Civil Suit No.271/2021 came to be dismissed in default; yet when rights are involved and two persons are claiming the rights over the same, it is for the person who asserts the rights to approach the Court of Law. We do not find this to be a fit case where we should exercise our powers under Article 226 of the Constitution of India. The writ petition stands **dismissed**.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

agd