

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13937 OF 2025

Ramkunwar Laxman Yadmal

VERSUS

The State Of Maharashtra And Others

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Advocate for the Petitioner : Mr. Gaikwad Anil M.

AGP for Respondent/State : Mr. S.D. Ghayal

Advocate for Respondent No.7 : Mr. S.G. Kawade

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : FEBRUARY 24, 2026

PER COURT :-

1. Present writ petition takes exception to order dated 24.06.2025 passed by respondent no.1 i.e. Secretary/Officer on Special Duty, Revenue and Forest Department in Appeal-2024/Pra.Kra.108/J-7, by which delay of 29 years and 5 months caused in filing appeal assailing Mutation Entry No.80 is condoned.

2. Mr. Gaikwad, learned advocate appearing for petitioner invited attention of this Court to application that was tendered by respondent to condone delay along with appeal filed before Sub Divisional Officer, Bhokardhan. The only reason employed in application is that respondent was working as folk artist and used to travel around. As such, he was not having knowledge regarding mutation entry. Apparently, such reason cannot be accepted as sufficient cause to condone inordinate delay of 29 years and 5

months. The impugned order does not depict any plausible reason as to why aforesaid explanation is accepted as sufficient cause to condone delay.

3. It is trite that mutation entry neither creates nor it takes away any right over immovable property. If respondent no.7 wish to establish his civil right over suit property, his remedy lies elsewhere and he is at liberty to resort such remedy as permissible under law. In case, he approaches Civil Court to establish his right over suit property, impugned mutation entry shall be subservient to ultimate decision of Civil Court.

4. In that view of matter, writ petition stands allowed in terms of prayer clause (B) with liberty in favour of respondent no.7 as stated above.

(S.G. CHAPALGAONKAR, J.)