



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1925 OF 2026

PRAKASH RAMANNA KONDALWAR PATIL AND ANOTHER
VERSUS
RAMESHCHANDRA SITARAM CHANDAK AND OTHERS

Mr. Ajay G. Talhar, Advocate for the Petitioners
Mrs. A. S. Mantri, AGP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 23rd FEBRUARY, 2026.

P.C.:-

1. The present Writ Petition is filed with following prayers:

“C. By appropriate writ order or direction, the order dated 08.12.2025 passed by the Respondent No.3 Revenue Minister of Maharashtra in Appeal/2025/Petition No.150/J-7A may kindly be quashed and set aside and consequently the appeal filed by the petitioner may kindly be allowed.

D. By appropriate writ order or direction, the order dated 29.07.2024 passed by the Respondent No. 4 Additional Commissioner, Auranabad in Revision Application No-File No. 2022/ROR/Rev/CR-443 may kindly and set aside.

E) By appropriate writ order or direction, the order dated 18.04.2022 passed by the respondent No. 5 Additional Collector, Nanded in ROR Appeal / 2020/RTS 59 /(Bhokar) / Appeal / CR-11/2020 may kindly be quashed and set aside.”

2. Mr. Talhar, learned Advocate appearing for petitioners submits that petitioners are partners of Shree Venkatramana Ginning and Pressing Factory. They had obtained credit facility from respondent no.2-Bank. Since there was default, Bank sold out petitioners' property bearing land Gut No.203 admeasuring 1H

62R. The petitioners had challenged said auction before Debt Recovery Tribunal at Aurangabad (for short 'DRT') by filing Securitization Application No.36/2008. During pendency of said proceeding, auction purchaser/respondent no.1 filed application for mutating his name in record of rights. Mr. Talhar further points out that DRT allowed petitioners Securitization Application vide judgment and order dated 17.11.2023 and quashed and set aside action of respondent-Bank right from stage of notice under Section 13(4) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') upto auction sale and sale certificate. The order passed by DRT is now subject matter of Appeal before Debt Recovery Appellate Tribunal (for short 'DRAT') in Appeal No.1/2025 filed by respondent no.1.

3. Mr. Talhar would point out that Appellate Authority had initially granted stay to order passed by DRT. However, it is not continued by express order. In wake of aforesaid factual aspects, respondent no.1 made an application for mutation on the basis of sale deed, which is already canceled by DRT, but impugned order permits such mutation.

4. The aforesaid factual aspects would show that respondent no.1 is auction purchaser. Accordingly, sale certificate has been

issued in his favour. However, same is subject matter of adjudication before DRAT.

5. In this backdrop, if mutation is effected in name of respondent no.1 that would be subject to outcome of Appeal pending before DRAT. The mutation entry is only for fiscal purpose and that would not create any right in favour of respondent no.1. Therefore, this Court do not find any reason to entertain present Writ Petition challenging mutation entry. However, such mutation entry would be subservient of decision by DRAT.

6. At this stage, Mr. Talhar, learned Advocate appearing for petitioners submits that respondent no.1 is likely to alienate property taking disadvantage of mutation entry.

7. Needless to state here that, petitioners shall be at liberty to file appropriate application before DRAT seeking injunction against respondents from alienating or creating third party interest in subject property. In case such an application is filed DRAT to pass appropriate order considering merits of matter.

8. With aforesaid observations, Writ Petition stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE