IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10140 OF 2026

M/S. Aamby Valley Limited Thr. Its Authorized Repre. Shivaji D.Vyavahare ...Petitioner

Versus

State of Maharashtra Thr. Its Secretary Revenue And Forest Dep. And Ors. ...Respondents

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Mr. Drupad S. Patil a/w Suyash S. Sule, for the Petitioner.
Mr. Samsher Garud a/w Dhwani Parekh i/b Jayakar & Partners, for the Respondent No.5
M. S. Srivastav, AGP, for the Respondent/State.

CORAM: ARUN R. PEDNEKER, J.
DATED : 01st October 2026

PC:-

1. 1. Heard learned Counsel for both sides.

2. 2. By the present Writ Petition, the Petitioner challenges the order passed by the Divisional Commissioner, Pune, Division, Pune in Revision Application No.RTS/Rev./577/2025 vide dated 19th January 2026, the Divisional Commissioner was pleased to condone a delay of 16 years and 4 months on the ground that the Revision Applicant therein was not aware of the mutation entry No.328 and also subsequent Mutation Entry No.581.

3. The said order is challenged by the Petitioner. Learned Counsel submits that an application was filed for condonation of delay, wherein an averment is made that the Applicant therein is not aware as of the proceedings until July-2025. However, the learned Counsel for the Petitioner points out that the Civil Suit has been filed by the Respondent in the year March 2010, wherein reference has been made the order passed on 28th November 2008 and Mutation Entry No.328. The learned Counsel appearing for the Petitioner submits that there is complete factual misrepresentation in the application for condonation of delay made before the Divisional Commissioner and that the Divisional Commissioner has condoned the delay only on the ground that the Applicant therein (Respondent herein) was not aware of the order passed dated 28th November 2008.

4. Considered the submission and perused the record. The learned Counsel appearing for the Respondent No.5- Original Applicant before the Divisional Commissioner has not been able to dispute the factual aspects pointed by the Petitioner. Considering the submission of the parties, the order passed by the Divisional Commissioner cannot be sustained and is accordingly quashed and

set aside. However, liberty is reserved to be Respondent No.5 that in the event he succeeds in the Special Civil Suit filed bearing No.650 of 2010 he would be at liberty to apply the Revenue Authorities for rectification of mutation entries. It is settled law that, the order passed by the Civil Court would be binding upon the Revenue Authorities and such application is filed pursuant to the order passed by the Civil Court, the Revenue Authorities would rectify the mutation entry.

5. Considering the above observations the Writ Petition is allowed in terms of prayer Clause 'A'.

[ARUN R. PEDNEKER, J.]