IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3277 OF 2024

HIRABAI KALURAM MIRKUTE AND OTHERS **...PETITIONERS**

Versus

THE STATE OF MAHARASHTRA AND OTHERS **...RESPONDENTS**

Mr. Sanjay Patil, *Advocate for the Petitioners.*

Mr. R. V. Dighe i/b A. S. Rao, *Advocates for Respondent No. 6.*

Mr. Parul Abhyankar, *Advocates for Respondent No. 8.*

Mr. Bapusaheb Dahiphale, *AGP for the State-Respondent.*

CORAM : ARUN R. PEDNEKER, J.

DATE : 20th AUGUST, 2026.

Per Court **:**

1. Heard learned counsel appearing for the Petitioners.

2. By the present Petition, the Petitioners seek the following reliefs :-

a. This Hon'ble Court be pleased to declare that the Order dated 25/7/1986 passed by the Ld. Additional Commissioner,

Mumbai in Suo Motto Proceedings being Appeal Desk/WTN/4362 to 4364 and 4366 to 4386 arising out of the Order dated 28/4/1980 passed by the Ld. ALT, Ulhasnagar in Suo motto proceedings being Restoration Case No. 259/80 and others 31 be illegal and bad-in-law.

b. The Petitioners are entitled to a Writ of Certiorari under Articles 226 and 227 of the Constitution of India or any other appropriate writ and / or directions in the nature of writ of certiorari, and the record and proceedings of the said Suo motto proceedings being Appeal Desk/WTN/4362 to 4364 and 4366 to 4386 be called for and after examining the legality and propriety thereof, the order dated 25/07/1986 passed by the Ld. Additional Commissioner, Mumbai arising out of Order dated 28/4/1980 passed by the Ld. ALT, Ulhasnagar in Suo Motto proceedings being Restoration Case No. 259/80 and others 31 be quashed and set aside.

c. Pending the hearing and final disposal of the present petition the Order dated 25/7/1986 passed by the Ld. Additional Commissioner, Mumbai in Suo Motto Proceedings being Appeal Desk/WTN/4362 to 4364 and 4366 to 4386 arising out of the Order dated 28/4/1980 passed by the Ld. ALT, Ulhasnagar in Suo motto proceedings being Restoration Case No. 259/80 and others 31 be stayed, on such terms and conditions as this

Hon'ble Court deems fit and proper in the circumstances of the present case.

3. The order dated 25th July, 1986 of the Additional Commissioner, so also the order dated 28th April, 1980, passed in the restoration case by the Additional Tahsildar indicate that the sale was made with permission of the concerned Sub-Divisional Officer dated 4th October, 1968, in both these cases and the sales are of the year 1972. There is a belated challenge to the sale.

4. As regards the submission of Petitioners that the sale was for N.A. purposes and the same is not utilized for N.A. purposes, is a separate issue. The impugned order itself indicates that the proceedings can be initiated thereunder separately, if available under the law.

5. Considering that the sale is with permission of the concerned authority and the challenge being belated, no case is made out to interfere with.

6. Accordingly, the Writ Petition is dismissed.

[ARUN R. PEDNEKER, J.]

GITALAXMI KRISHNA KOTAWADEKAR
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Date: 2026.08.24 19:33:49 +0530