IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12661 OF 2026

Deepali Kartik Savla & Ors. .... Petitioners

Vs.

The Union of India, ... Respondents
thru' the Administrator & Ors.

BHALCHANDRA GOPAL DUSANE

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Date: 2026.10.16 18:27:48 +0530

Mr. Mayur Khandeparkar a/w Minal Chandnani, Jairam Chandnani and Rajesh Ranglani, for Petitioners.
Dr. Sanjay Jain a/w Mr. Harsh Dedhia for Respondent nos. 1, 2 and 3.

CORAM : ARUN R. PEDNEKER, J.
DATE : 14th October 2026

P.C. :

1. Heard learned Counsel.

2. By the present Writ Petition, the Petitioners challenge the Order dated 22nd November 2024, whereby the Collector was pleased to cancel the Order dated 19th April 2007 passed by the Mamlatdar directing the mutation of the name of Nazarbhai Shaikh Mohamad Shaikh. The Order passed by the Collector, Dadra and Nagar Haveli, is reproduced hereinbelow:

> "(i) *The Order dated 19/4/2007 issued by the Mamlatdar to mutate the name of the Nazarbhai Sheikh Mohamad Sheikh is hereby cancelled;*

(ii) The Mutation Entry No.1781 dated 19.04.2007 of Village Silli entering the name of Nazarbhai Sheikh Mohamad Sheikh and the subsequent Mutation Entry Nos. if any, are hereby cancelled and the said land is forfeited in the name of Shree Sarkar.;

(iii) Sudha Murari Sharma, Gaurav Murari Sharma and Pooja Murari Sharma i.e. the Current Owner of the Subject Land shall be given opportunity for the grant of Occupancy Rights as per the Dadra & Nagar Haveli Land Reforms Regulation, 1971 and the Dadra & Nagar Haveli Land Reforms Rules, 1972, subject to providing satisfactory proof that he/she is a bonafide purchaser and has purchased the land as per the due procedure.

(iv) The market value of the Subject Land shall be placed as lien on the equal alternate land of the Nazarbhai Sheikh Mohamad Sheikh or his legal heirs."

3. Learned Counsel for the Petitioners submits that, in the *suo motu* proceedings, notices were issued to the erstwhile owners of the property on 17th June 2022. However, he submits that the property in question had been purchased by the Petitioners on 28th April 2022, in compliance with all applicable rules and regulations. He further submits that the Petitioners were the only parties interested in contesting the proceedings. However, no notice was issued to them, and the proceedings were conducted in the presence of the erstwhile owners of the property. He, therefore, submits that the impugned Order was passed without issuing notice to the Petitioners or affording them an opportunity of being heard.

4. Learned Counsel for the Respondents has not been able to dispute the factual position that no notice was issued to the Petitioners. However, he submits that the concerned Collector passed an appropriate order on the basis of the available record, which can also be challenged before the Appellate Court. However, considering that the Petitioners were not heard in the matter, filing an appeal would not be an appropriate remedy, as their contentions were not recorded by the original authority and their defence was not duly considered. In these circumstances, this Court deems it appropriate to set aside the impugned Order dated 22nd November 2024 and relegate the parties to the Collector for fresh consideration.

5. The Petitioners shall appear before the Collector on 4th November 2026, whereupon the Collector shall issue a show-cause notice to them. The Petitioners may thereafter file their replies within the time stipulated by the Collector. The Collector shall then proceed to consider the matter and pass an appropriate order within a period of twelve weeks thereafter.

6. Learned Counsel for the Petitioners submits that, during the pendency of the proceedings before the Collector, if the Petitioners intend to create any further rights in the property, they shall inform the prospective purchasers concerned about the pendency of the proceedings and shall also inform the

Collector of the proposed transactions. The said statement shall remain in force for a period of twelve weeks from today.

7. In the peculiar facts and circumstances of the case, all contentions are kept open.

8. All consequential actions taken pursuant to the impugned Order shall also stand quashed and set aside.

9. The Writ Petition is accordingly disposed of.

[ARUN R. PEDNEKER, J.]