IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13556 OF 2024

NEELA APURVA PARIKH ...PETITIONER

Versus

SUB-DIVISIONAL OFFICER AND OTHERS ...RESPONDENTS

WITH
WRIT PETITION NO. 13154 OF 2024

RAPG DEVELOPMENTS PRIVATE LIMITED
AND ANOTHER ...PETITIONERS

Versus

SUB-DIVISIONAL OFFICER AND OTHERS ...RESPONDENTS

Mr. Vineet Naik, Senior Advocate a/w Mr. Raghav Gupta & Mr. Siddharth Kate i/b Wadia Ghandy & Co., *learned counsel for the Petitioners.*

Mr. Kishor Ajetrao a/w Mr. Dipresh Solkar, *learned counsel for Respondent Nos. 2 to 4.*

Mr. A.I. Patel, Addl.G.P. a/w Ms. Mamta S. Srivastava, *for the State-Respondent in WP/13556/2024.*

Ms. Vaishali S. Nimbalkar, *learned AGP for the State-Respondent in WP/13154/2024.*

CORAM : ARUN R. PEDNEKER, J.

DATE : 9th OCTOBER, 2026.

Per Court :

WRIT PETITION NO. 13154 OF 2024

1. Heard learned counsel appearing for the parties.

2. Learned counsel for the Petitioners submits that Mutation Entry Nos. 123, 124 and 126 of 1994 in respect of the land bearing Gut Nos. 74, 75 and 79 were challenged before the Sub-Divisional Officer ("**SDO**") by an appeal bearing no. RTS/Appeal/SR/439/2023. The said appeal was filed on 26th May, 2023, without any application for condonation of delay and as the objection was so raised that the application for condonation of delay was filed on 28th August, 2023. After hearing the parties, the SDO reserved the matter for order on the application for condonation of delay on 16th April, 2024.

3. Learned counsel for the Petitioners submits that instead of passing an order on the delay condonation application, the matter was finally decided on merits on 16th July, 2024. The said order is challenged before this Court contending that the said order is without jurisdiction, as an enormous delay of 28 years has not been condoned and the order has been passed on merits. The application for condonation of delay is still pending for consideration and no order is passed thereon and the matter is adjudicated on merits.

4. This factual aspect that there is no order passed on the delay condonation application, has not been disputed by the learned counsel appearing for the Respondent/original Appellant before the SDO.

5. Considering the submissions, the impugned order cannot be sustained. The impugned order passed by the SDO dated 16th July, 2024 is quashed and set aside and the matter is remitted back to the SDO.

6. The SDO to pass an appropriate order on the delay condonation application before admitting the appeal for hearing. If such a delay is condoned, thereafter the appeal can be decided on merits.

7. With the above observations, Writ Petition No. 13154 of 2024 stands allowed and disposed of.

8. All contentions of the parties are left open.

WRIT PETITION NO. 13556 OF 2024

9. Heard learned counsel appearing for the parties.

10. Learned counsel for the Petitioner submits that the Petitioner was not even made a party to the proceedings before the Sub-Divisional Officer ("**SDO**"). The Mutation Entry directly effects the Petitioner herein as her name is reflected in Mutation Entry No.

410 of 1994 with reference to the land bearing Gut No. 79 and the same is removed by virtue of the impugned order.

11. Considering that this Court has already set aside the impugned order in appeal bearing no. RTS/Appeal/SR/439/2023, the said order is also quashed and set aside in the present proceedings. The Respondents are granted liberty to make the present Petitioner as "party" in the appeal before the SDO. No separate notice will be required to be issued to the Petitioner.

12. Parties including the present Petitioner, to appear before the concerned authority on 22nd October, 2026 at 11:00 a.m. Thereafter, the concerned authority to give the dates as per his convenience and decide the appeal on merits.

13. With the above observations, Writ Petition No. 13556 of stands allowed and disposed of accordingly.

14. All contentions of the parties are left open.

[ARUN R. PEDNEKER, J.]

GITALAXMI KRISHNA KOTAWADEKAR

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Date: 2026.10.16 10:40:49 +0530