NISHA SANDEEP CHITNIS
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7680 OF 2023

Prafulchand Patkar
Through Power of Attorney Holder
Being Mayur Patkar ...Petitioner
Versus
State of Maharashtra and Ors. ...Respondents

Ms. Minal Chandnani with Mr. Satyendra Mishra, Mr. Rajesh Ranglani and Mr. Mohit Jagiasi for the Petitioner.

Mr. Ketan Joshi,'B' Panel Counsel with Mr. S. P. Kamble, A.G.P. for the Respondent-State.

Ms. Pooja Joshi Deshpande for Respondent No.6-Ulhasnagar Municipal Corporation.

Mr. G. S. Bhat for the Respondent No.11.

Mr. Ganesh Valvi, Revenue Assistant, SDO, Ulhasnagar, is present.

CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.

DATE : 1st OCTOBER 2026

P.C. *:*

1. The petitioner was allotted a portion of a larger area forming part of Plot No.621. To be precise, an area admeasuring

57.7/9 square yards was allotted to the petitioner on 16th June 1983, for which the petitioner remitted the necessary charges and costs. The petitioner was thereafter allotted a further area admeasuring 38.3/9 square yards in the year 2006. Thus, the petitioner was allotted an area admeasuring 96.1/9 square yards, as against his claim of 111 square yards. It is pertinent to note that the said area was allotted from Plot No.621/2, Sheet No.30, Ulhasnagar-4, and accordingly, the relevant entries were made in the Property Card, evidencing the allotment in favour of the petitioner.

2. An area admeasuring 180 square yards from the same plot number was allotted in favour of Soni Joy Varghese, and even this land came to be mutated pursuant to the conveyance proceedings undertaken through the Managing Officer-cum-Sub-Divisional Officer.

3. The petitioner, having approached this Court in the year 2021 by filing Writ Petition (Stamp) No.9202 of 2021, challenged the impugned notice dated 8th March 2021 issued to the petitioner,

whereby he was informed about the conveyance in favour of Soni Joy Varghese. This Court directed that an opportunity of hearing be given to the parties and that an appropriate order be passed.

It is also pertinent to note that, in the year 2002, one Sakhibai Nanikram Harchandani had filed a Writ Petition, impleading the Managing Officer and Assistant Administrator, Ulhasnagar, as respondents. She sought appropriate directions to the respondents to grant her an alternative plot in lieu of Plot No.19 situated on Kalyan-Badlapur Road, which had been allotted to her and admeasured 12557 square yards.

The said claim was stated by her on the ground that large tracks of land had been acquired under the Land Acquisition Act by the State authorities for the rehabilitation of displaced persons, and Plot No.19 had been purchased by her husband in the industrial area. As the land came to be acquired, an opportunity was given to select some other land in Ulhasnagar Township. In pursuance of the said grievance, the petitioner was permitted to make an application to the appropriate Competent Authority within a period of four weeks, with a direction

to consider the said application.

4. In furtherance thereof, the allotment of the plot was made in favour of Soni Joy Varghese, the successor of Sakhibai Nanikram Harchandani.

There was some conundrum as to whether the same plot which was allotted to the petitioner came to be allotted to Soni Joy Varghese. However, with the affidavit-in-reply filed by the Managing Officer-cum-Sub-Divisional Officer, Ulhasnagar, on 29th September 2026, we have some clarity. There is a clear admission that the petitioner was allotted land from Plot No.621, Sheet No.30, admeasuring 96.1/9 square yards. Soni Joy Varghese was allotted 180 square yards of land from the same plot number. The Sub-Divisional Officer ('SDO') is now of the view that the issue requires consideration as to whether CTS Nos.21349/C and 21349/D represent different parcels of land or whether there is any overlapping between the land allotted to the petitioner and the land allotted to Soni Joy Varghese. We do not dispute the fact that both the lands form part and parcel of

Old Plot Nos.621/1 and 621/2, Sheet No.30.

As far as the learned counsel for the petitioner and the learned counsel representing respondent No.11, i.e. the subsequent purchaser of the plot allotted in favour of Soni Joy Varghese, are concerned, they are clear in their submission that, in the Deed of Conveyance in respect of their predecessor or the party itself, there is a clear description of the land in the Schedule, indicating that the allotment in favour of the petitioner and that in favour of the predecessor of respondent No.11 are distinct, though they may have originated from Plot Nos.621/1 and 621/2, Sheet No.30.

This is evidently clear from the document produced by the petitioner in the form of an Agreement, which describes the area as admeasuring 96.1/9 square yards, Sheet No.30, Plot No.621, Sub-Plot Nos.1-2, Near Bk. No.1386, Camp No.4, Ulhasnagar. This description is different from that of the plot allotted to Soni Joy Varghese, which is described as "All that piece and parcel of property situated at Barrack No.1386, Behind Room No.1, 2, 3, Sheet No. 30, Ulhasnagar-4, Dist. Thane area admeasuring 180 square yards".

5. Both the petitioner and the successor of Soni Joy Varghese, therefore, offer a suggestion that this entire conundrum can be resolved if the plots allotted in their respective favour are demarcated. This can be done by the TILR or by any officer from the Land and City Survey Records. Once there is clarity between the petitioner and respondent No.11, the subsequent purchaser of 180 square yards of land from Soni Joy Varghese, we find this to be the most efficacious manner of resolving the dispute. We, therefore, direct the City Survey Officer, i.e. respondent No.10, to demarcate the plots of the petitioner and respondent No.11 and thereby put an end to the long-drawn controversy between them.

For this purpose, we direct respondent No.10 to fix a date for carrying out the demarcation, which shall be on **19th October 2026 at 11:00 a.m.** We expect the petitioner and respondent No.11, or their respective representatives, to remain present on the spot.

We hope that the discord can be put to an end in this manner. Hence, we dispose of the Writ Petition.

Upon the aforesaid exercise being carried out, if any party has any grievance, liberty is granted to file appropriate proceedings.

ASHISH S. CHAVAN, J. *BHARATI DANGRE, J.*