

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6609 OF 2024

Parvati Janguji Gaikwad and Anr.

.. Petitioners

Versus

The State of Maharashtra,
Through its Secretary Department of Revenue
and Forest and Ors.

.. Respondents

.....

- Mr. S.R. Nargolkar a/w. Ms. Neeta Patil, Advocates i/by Mr. Arjun Kadam for Petitioners.
- Mr. P.V. Nelson Rajan, AGP for Respondent Nos.1 to 4 – State.
- Ms. Sakshi Ajeet Kale, Advocate through VC a/w. Ms. Ankita B. Ugalmugale, Advocate for Respondent Nos.5 to 7(1) and 14 to 18.
- Mr. Aumkar Joshi, Advocate for Respondent Nos.6, 8, 9, 11 to 13.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 06, 2026.

P.C.:

1. Heard Mr. Nargolkar, learned Advocate for Petitioners; Mr. Nelson Rajan, AGP for Respondent Nos.1 to 4 – State; Ms. Kale, learned Advocate through VC for Respondent Nos.4 to 7(1) and 14 to 18 and Mr. Joshi, learned Advocate for Respondent Nos.6, 8, 9, 11 to 13.

2. Mr. Nargolkar, learned Advocate appearing for Petitioners makes a submission that during the pendency of the present Writ Petition, Petitioners have already filed a Civil Suit to determine the Petitioners' title in respect of the subject property which is the subject matter of the present Writ Petition. He would submit that since there

are *inter se* orders passed by the Statutory Authorities either in favour of Petitioners or Respondents and since this Court has in the order dated 08.05.2024 made a *prima facie* observation, it would be appropriate and in the interest of justice if the Civil Court decides the issue of entitlement strictly in accordance with law and without being influenced by either the observations made by this Court in its order dated 08.05.2024 (Coram: Amit Borkar, J.) and/or any of the orders passed by the Statutory Officers in the RTS proceedings leading to the filing of the present Writ Petition. The submission made by Mr. Nargolkar *prima facie* appeal to the Court.

3. In the present matter, Advocates appearing for the contesting private Respondents would submit that all contentions of the parties should then be kept open and the Suit be should decided strictly on its own merits.

4. In view of the above, it is directed that the impugned order as also all other orders passed by the Statutory Officers shall all be held in abeyance and they shall all be subject to the outcome of the Civil Suit filed by Petitioners against private Respondents.

5. It is directed that the Civil Suit shall be decided on the basis of evidence led by Plaintiffs and the evidence in rebuttal by Defendants therein and while deciding the same, the Trial Court shall not be influenced by any of the observations made by the Statutory Officers in

the orders passed in RTS proceedings which are the subject matter of the present Writ Petition.

6. All contentions of the parties are expressly kept open without this Court gives any imprimatur on the facts or opinion in respect of the right and entitlement of any of the parties before the Court.

7. It is clarified that all the orders passed by the Statutory Officers including the impugned order in the present Writ Petition shall all be held in abeyance and shall be fructified only subject to and on the basis of the outcome of the Civil Suit.

8. In view of the request made by Ms. Kale on behalf of the private Respondents, parties are at liberty to apply to the Civil Court for expeditious disposal of the Civil Suit in view of the facts in the present case.

9. Liberty to the parties to apply accordingly.

10. In view of the above, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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