

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12719 OF 2024

Anish Mahavirprasad Goel

.. Petitioner

Versus

Circle Officer, Khalapur,
Taluka Khalapur, Dist. Raigad & Anr.

.. Respondents

.....

- Mr. Ashok Tajane, Advocate for Petitioner
- Ms. Sulabha Chipade, AGP for Respondents - State

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 17, 2026

P. C.:

1. Heard Mr. Tajane, learned Advocate for Petitioner and Ms. Chipade, learned AGP for Respondents - State.

2. *Lis* in the present case, *inter alia*, pertains to dispute with regard to three mutation entry Nos. 2200, 2562 and 2671 carried out successively by the RTS Authorities on the Application made by the parties. Petitioner before me is one of the purchaser of the portion in the subject land.

3. Mr. Tajane in his usual fairness would submit that Regular Civil Suit No. 96 of 2019 has been filed by Petitioner seeking declaratory relief before the Civil Judge Junior Division which is pending. He would also apprise the Court that Regular Civil Suit No. 253 of 2019 filed by some of the land owners seeking declaratory relief/ Since the

present proceedings emanates from RTS / Revenue Proceedings, *qua* aforementioned three mutation entries Petitioner has impleaded only the Circle Officer and SDO as Respondents herein.

4. Learned AGP would draw my attention to the affidavit in reply dated 25.11.2024 filed by Tahsildar, Khalapur, District Raigad appended at page Nos. 247 onwards of the Petition. At the outset, she would vehemently submit that the impugned order is appellable order before the Collector and therefore invoking writ jurisdiction of this Court is not tenable. Next on merits while drawing my attention to the contents of the affidavit in reply, she would submit that there is a cloud on the tile of Petitioner because Petitioner is one of the purchaser of the portion of subject properties and would have no locus to maintain the present Petition.

5. The facts placed before the Court by learned AGP *prima facie* shows that grandmother of Petitioner namely one Vasantidevi Atmaram Goel by registered sale deed dated 18.11.1966 had purchased the subject property and her name was subsequently mutated in the revenue record vide mutation entry No. 941 dated 23.12.1966. There is reference to further sale of the property in the year 2007 by the predecessor-in-title of Petitioner by another registered sale deed dated 10.04.2007. This fact is refuted by Mr. Tajane stating that it is not a sale deed but in fact a gift deed

registered by Smt. Vasantidevi Atmaram Goel in favour of Anish Mahavirprasad Goel. The gift deed is in fact dated 03.12.2007 in favour of Petitioner before me which is also duly registered document under which Petitioner claims entitlement. Petitioner has strongly relied upon the mutation entry No. 2200 pursuant to the aforesaid gift deed effected and certified on 24.11.2008 and would submit that considering that the said gift deed emanated out of common ancestral property in respect of the land and survey number stated therein, Petitioner's substantive right is affected.

6. Considering the aforesaid complex position which has been duly explained by learned AGP in the affidavit, this Court cannot go into the disputed questions of facts. Private Respondents are not before the Court in the present proceedings. In that view of the matter, while directing that *status quo* will be maintained by the parties in respect of the said mutation entry and rights of Petitioner and other members of the family shall be subject to the outcome of Regular Civil Suit Nos. 96 of 2019 and 253 of 2019. While keeping all contentions of Petitioner and other co-owners claiming to have substantive right in the suit property expressly open and without giving any imprimatur on merits of the matter, Petition stands disposed of.

7. Considering that both the Suits are of the year 2019, request made by Mr. Tajane for expeditious hearing of the Suits. In view thereof, learned Trial Court shall expedite hearing of both the Suits.

8. Petition is disposed.

[MILIND N. JADHAV, J.]

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by RAVINDRA
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