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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13687 OF 2024

Dhondu Ganpat Kale (Through their Legal
Heirs) and Anr. .. Petitioners

Versus

The Revenue and Forest Minister, Government
of Maharashtra and Ors. .. Respondents

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- Mr. Ashutosh Kulkarni, Advocate i/by Mr. Kishor Ajetroa and Ms. Pratiksha Desai, Advocates for Petitioners.
- Mrs. P.J. Gavhane, AGP for the State.
- Mr. Asit Chaware a/w. Mr. Tanverr Patel, Advocates for Respondent Nos.4 to 4J.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 21, 2026.

P.C.:

1. Heard Mr. Kulkarni, learned Advocate for Petitioners; Mrs. Gavhane, learned AGP for the State and Mr. Chaware, learned Advocate for Respondent Nos.4 to 4J.

2. Mr. Kulkarni, learned Advocate after arguing for some time and considering the deliberations in Court has taken instructions and informed the Court that Petitioners be allowed to withdraw the present Writ Petition with leave and liberty to file appropriate Civil Suit in the Civil Court to agitate substantive right of entitlement the Petitioners in the Suit property.

3. Needless to state that if Petitioners file the Civil Suit and takes out Exhibit '5' Application, the learned Civil Court shall determine the same as expeditiously as possible after hearing both the sides. If the Civil Suit is filed, notice of the Civil Suit shall be given to the Respondents.

4. All contentions of the parties, *inter alia*, with respect to any grievances with respect to Mutation Entry which is the subject matter of the *lis* between the parties are expressly kept open in the Suit proceedings and shall be determined after hearing both the sides.

5. Needless to state that the Civil Court will not be influenced by any of the observations and findings made in the orders passed in RTS proceedings since they are *prima facie* observations and any order passed by the Civil Court will be strictly on the basis of pleadings made in the Civil Suit as also determination of the Civil Suit will be on the basis of evidence of the Plaintiff and evidence in rebuttal of Defendants in accordance with law.

6. It is further directed that the interim protection granted by this Court shall continue for a period of 10 weeks from today to enable the Petitioners to obtain appropriate injunctive relief in Exhibit '5' proceedings in the Suit and if the said order is not obtained, the interim relief shall stand vacated.

7. All contentions of the parties are expressly kept open.
8. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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