

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 18084 OF 2024

Rahul Arora & Ors.

.. Petitioners

Versus

The State of Maharashtra & Ors.

.. Respondents

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- Mr. Vineet Naik, Senior Advocate a/w Mr. Sameer Pandit, Ms. Krina Gandhi, Mr. Chintan Pasad & Mr. Shripad Khurjekar i/by M/s. Wadia Ghandy & Co, Advocates for Petitioners
- Mr. Aditya R. Deolekar, AGP for Respondent Nos. 1 and 2
- Mr. Ashutosh Kumbhakoni, Senior Advocate i/by Mr. Tukaram Shendge, Advocate for Respondent No. 3
- Ms. Minal Chandnani, Advocate for Respondent No. 4
- Mr. V.R. Kasle, Advocate for Respondent No. 12
- Mr. Janak Dwarkadas, Senior Advocate a/w Mr. Mani Thevar i/by M/s. Ganesh & Co., Advocates for Respondent Nos. 13 to 26

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 22, 2026

P. C.:

1. Heard Mr. Naik, learned Senior Advocate for Petitioners; Mr. Deolekar, learned AGP for Respondent Nos. 1 & 2; Mr. Kumbhakoni, learned Senior Advocate for Respondent No. 3, Ms. Chandnani, learned Advocate for Respondent No. 4, Mr. Kasle, learned Advocate for Respondent No. 12 and Mr. Dwarkadas, learned Senior Advocate for Respondent Nos. 13 to 26.

2. Heard Mr. Naik & Mr. Dwarkadas, learned Senior Advocates espousing the cause of original owner and Mr. Kumbhakoni, learned Senior Advocate for Respondent No. 3. After hearing the respective

submissions, Mr. Naik draws my attention to the order dated 07.04.2026 and persuades me to reconsider some of the observations made therein attributable to the Petitioners' conduct before the Trial Court on the basis of roznama.

3. After hearing him, it appears that the directions contained in paragraph No. 5 of the previous order dated 07.04.2026 need to be clarified since he has placed on record the roznama before the Trial Court wherein Application below Exh. 507 filed by the Plaintiffs therein is being argued and the delay is therefore not attributable to the Petitioners herein.

4. I have impressed upon the parties before me that the facts of the present case are such that the impugned order dated 11.11.2024 passed by the Additional Divisional Commissioner, Pune in Revision proceedings is *prima facie* not sustainable especially when it sets aside three concurrent findings of facts by Tahsildar (dated 02.04.2019), SDO (19.12.2019) and Additional Collector (04.08.2022). There is also a specific prayer in the Petition which seeks direction that entry in the revenue record shall be subject to the outcome of pending Civil Suit. It is startling to note that Civil Suit No. 54/1998 which is now nomenclatured as Suit No. 4/2026 is pending for 28 years in the Civil Court. Mr. Naik has informed the Court today that the plaint has been amended twelve times by Respondent No. 3 (Plaintiff therein) and the

aforesaid Application below Exh. 507 which is pending is also filed by Respondent No. 3. In that view of the matter, Mr Naik would be right in his contention about the aspect of delay.

5. *Lis* before me is in the RTS proceedings and Civil Suit proceedings. It is trite law that in RTS proceedings, entitlement and title is never decided. That is the domain of the Civil Court itself. What is observed by this Court on reading the record of the case is that Petitioners' predecessors-in-title were granted appropriate reliefs by the Civil Court in Civil Appeal No. 188/1973 as far back as on 07.06.1974. It is further seen that the said relief was confirmed by this Court on 02.07.1981 pursuant to which possession was handed over and mutation entry was effected. With such binding adjudication *prima facie* seen on the record, it would be therefore not be appropriate for the Revenue Authorities to interference with the mutation entries. Petitioners' sale deed has been duly registered in the year 2010 whereas their agreement for sale along with possession dates back to 1988. It is in these circumstance that this Court makes it clear to the Respondents i.e. contesting Respondents that the impugned order is not sustainable but equally *lis* between the parties will be determined by the Civil Court where it is pending.

6. Mr. Kumbhakoni has been gracious enough to consider what is falling from the Court and seeks some time to take appropriate instructions and apprise the Court.

7. Mr. Kumbhakoni therefore persuades the Court to grant sometime to Respondents to enable them to give appropriate instructions with respect to the suggestions opined by this Court in the previous order dated 07.04.2026, *inter alia*, relegating the parties to the Trial Court in a fixed time bound manner for determination of the Civil Suit proceedings between the parties without being influenced by any of the orders and observations and findings returned by *quasi-judicial* Authority in RTS proceedings. In that view of the matter, by consent of the parties, matter is placed for passing orders on 30.04.2026.

8. Be that as it may, Court makes an earnest request to the parties to take appropriate instructions and accordingly ensure that suit proceedings before the Trial Court are disposed of expeditiously in accordance with law which shall be in the interest of all the parties.

9. In the meanwhile, ad-interim relief granted earlier, if any, stands continued.

10. Stand over to **30th April, 2026** under the caption "**First on Board**".

[MILIND N. JADHAV, J.]