

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.857 OF 2026

Shiubai Dashrath Gaikwad (since deceased
through legal heirs)

.. Petitioners

Versus

The State of Maharashtra and Ors.

.. Respondents

.....

- Mr. Sanjay S. Patil, Advocate for Petitioners.

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 20, 2026

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 20.04.2026. Perused the praecipe.

2. Heard Mr. Patil, learned Advocate for Petitioners.

3. Grievance of Petitioner is that Mutation Entry which was allowed by the Competent Authority i.e. Sub-Divisional Officer was set aside by first Appellate Authority but in further Appeal before the State, there was remand order made to the Competent Authority i.e. Sub-Divisional Officer once again.

4. Mr. Patil informs the Court that in the meanwhile the Mutation entry standing in the name of Petitioner was deleted and it was substituted by the name of private Respondents i.e. Respondent Nos.7/1, 7/2, 7/3 and 7/4. He would submit that by virtue of said mutation, there is an apprehension that private Respondents would

deal with the subject property. He would submit that in so far as issue of remand is concerned, there can be no ambiguity or problem. He is ready to abide by the order of the State so that the Competent Authority i.e. Sub-Divisional Officer can deal with the matter afresh.

5. In that view of the matter, present Petition can be disposed so that both parties can agitate their respective grievances regarding mutation before Competent Authority i.e. Sub-Divisional Officer as per order of remand passed by the State. It is directed that in the meanwhile until the Competent Authority i.e. Sub-Divisional Officer decides the issue of Mutation, the private Respondent Nos.7/1, 7/2, 7/3 and 7/4 shall not deal with the subject property.

6. Needless to state that subject to decision taken by the Competent Authority in accordance with law and all rights and entitlement of Petitioner and private Respondent Respondent Nos.7/1, 7/2, 7/3 and 7/4 kept expressly open and without expression of facts or any imprimatur, present Writ Petition is disposed with direction to the Competent Authority i.e. Sub-Divisional Officer to determine the *lis* between the parties *qua* the principal mutation entry as expeditiously as possible and in any event within a period of twelve weeks from today.

7. All parties including the Government Officers to act on a server copy of this order.

- 8.** With the above directions, Writ Petition is disposed.
- 9.** Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

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by HARSHADA
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SAWANT
Date: 2026.04.21
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