

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11122 OF 2025

Prathamesh Developers And Anr. .. Petitioners

Versus

The State Of Maharashtra (Through Ld. Revenue
Minister) And Ors. .. Respondents

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- Mr. Jignesh Jain, Advocate for Petitioners.
 - Ms. Mamta S. Srivastava, AGP for Respondent Nos.1 to 3.
 - Ms. Minal Chandnani, Advocate for Respondent Nos.4 to 8.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 19, 2026

P.C.:

1. Heard Mr. Jain, learned Advocate for Petitioners; Ms. Srivastava, learned AGP for Respondent Nos.1 to 3 and Ms. Chandnani, learned Advocate for Respondent Nos.4 to 8.

2. The *lis* between the parties is with respect to Mutation Entry in respect of the subject property in RTS proceedings. Authorities have condoned the delay of 14 years at the inception which has subsequently lead to and resulted in filing the present Writ Petition.

3. After going through the gamut of the Appeals / Revision, be that as it may, Ms. Chandnani informs the Court that Petitioners had filed a substantive Civil Suit in the Civil Court which was dismissed for non-prosecution.

4. If that be the case, the Petitioners ought to revive the said suit before the Civil Court and prosecute the same. If Petitioners make a statement that they shall make an Application for restoration of the suit proceedings, this Court shall direct the concerned District Court to consider the same forthwith. Thereafter Petitioners can take out appropriate Application for injunctive reliefs as available to them in law.

5. In so far RTS proceeding is concerned, this Court cannot be a Court of fact and give / pass its opinion / imprimatur on facts so as jeopardize the substantive rights of parties since Mutation Entry does not determine and establish the title of parties to the suit property.

6. *Prima facie*, it is seen that both the parties before me are claiming to be in possession of the subject property. It would be appropriate if Petitioners revive their substantive suit which has been dismissed for non-prosecution and prosecute the same in accordance with law.

7. Mr. Jain informs the Court that he shall take appropriate instructions from his clients and accordingly apprise the Court on the next adjourned date.

8. Stand over to **27th January, 2026 for passing order.** To be placed under the caption '**First on Board**'.