

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11122 OF 2025

Prathamesh Developers And Anr ... Petitioners

V/s.

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

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WAHULE

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Mr. Aditya Thorat a/w Mr. Jignesh Jain, Advocates for the
Petitioners.

Ms. Mamta S. Srivastava, AGP for Respondent Nos.1 to 3.

Ms. Minal Chandani, Advocate for the Respondent Nos.4 to 8.

CORAM : MILIND N. JADHAV, J.

DATED : 27th JANUARY 2026

PC.:

1. Heard Mr. Thorat, learned Advocate for Petitioners, Ms. Srivastava, learned AGP for Respondent Nos.1 to 3 and Ms. Chandani, learned Advocate for Respondent Nos.4 to 8.

2. Advocate for Petitioners informs the Court that in the referred Civil Suit in paragraph No.3 of the order dated 19th January, 2026, the said Civil Suit has been filed by private Respondent Nos.4 to 8. He would submit that Petitioners are the Defendants in the Civil Suit which was filed for partition and shares of the respective parties thereby meaning that it was an

entitlement Suit.

3. In that view of the matter, in so far as the RTS proceedings are concerned, this Court is very clear that this Court cannot be a Court of fact and give imprimatur on facts so as jeopardize the substantive rights of parties since Mutation Entries do not determine and establish the title of parties to the Suit property. In the RTS proceedings, the Mutation Entries have been altered at the behest of the rival parties.

4. Private Respondents had already filed a Civil Suit which they failed to prosecute. Ms. Chandani, Advocate for the private Respondents is directed to inform the Court as to whether they will be in a position to re-assist the suit proceedings as prosecutor said.

5. Ms. Chandani, learned Advocate is directed to take appropriate instructions and accordingly apprise the Court on the next adjourned date.

6. Stand over to **5th February, 2026 for passing order.**

(MILIND N. JADHAV, J.)