

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14181 OF 2025

Dinesh Shantaram Nimbalkar And Anr.

.. Petitioners

Versus

Ganesh Somnath Jagtap And Ors.

Respondents

-
- Mr. S. M. Gorwadkar, Senior Advocate i/by N. A. Mogre for Petitioners.
 - Ms. Savita Prabhune, AGP for Respondent No.10.
-

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 17, 2025

P.C.:

1. Heard Mr. Gorwadkar, learned Senior Advocate for Petitioners and Ms. Prabhune, learned AGP for Respondent No.10.

2. In respect of Mutation Entry No.4493, the Mandal Officer passed that Mutation Entry dated 28.05.2015 in favour of the private Respondents.

3. Being aggrieved Petitioners filed statutory Appeal before Sub-Divisional Officer which was nomenclatured as Appeal No.510 of 2015. Since it remained pending on the file and record of the Sub-Divisional Officer for more than 10 years, it was renumbered as RTS Appeal No.764 of 2025 and disposed by virtue of impugned order dated 26.09.2025.

4. Mr. Gorwadkar submits that the impugned order though puts

an end to the proceedings it is not an order passed on merits after hearing the parties in respect of challenge maintained to the Mutation Entry dated 28.05.2015 allowed by the Mandal Officer. He would submit that since proceedings in Appeal before Sub-Divisional Officer remained pending for more than 10 years without giving any imprimatur on merits the Sub-Divisional Officer has renumbered proceedings in 2025 and disposed of the same by holding that due to pendency of the proceedings and interim order passed in favour of Petitioners being in operation for more than six months, the interim order now cannot be extended any further in view of the Government Resolution issued by State Government dated 06.05.2021 on the basis of decision of the Supreme Court in the case of *Asian Resurfacing of Road Agency P. Ltd. Vs. Central Bureau of Investigation*¹.

5. He has directed that *status quo* be maintained in the meanwhile and proceedings be heard on 27.10.2025. The grievance of Petitioners before me is that *status quo* rather interim order which was in subsistence for past 10 years has been vacated and proceedings in Appeal have been slated to be heard thereafter on 27.10..2025.

6. Mr. Gorwadkar informs Court that no hearing took place on 27.10.2025 and Appeal has now been adjourned to a future date.

7. Considering the fact that interim order was in subsistence for

¹ (2018) 16 SCC 299.

10 years and there was no reason for Sub-Divisional Officer to vacate the said order, rather it would had been prudent if the Appeal would have been heard by the Sub-Divisional Officer i.e. First Appellate Authority. For the reasons of delay attributable to the statutory authority in hearing RTS proceedings, parties should not suffer. Such an order gives an unfair advantage to one of the parties which is not before the Court and *prima facie* smacks of arrogance on the face of record.

8. *Prima facie* the impugned order being unsustainable is therefore quashed and set aside due to the above reasons.

9. The interim order passed previously stands restored .

10. However considering the timeline in the present matter and the fact that statutory Appeal has remained pending before the Sub-Divisional Officer for the past 10 years, I direct the concerned Sub-Divisional Officer to hear the Appeal as expeditiously as possible and in any event within a period of six weeks from today.

11. Needless to state that both the parties i.e. Petitioner before me and private parties who are Respondents before the Sub-Divisional Officer shall be heard and a speaking reasoned order shall be passed in RTS Appeal No.764 of 2024 strictly in accordance with law.

12. Needless to state that this Court has not expressed any

imprimatur on merits and all contentions of Petitioners before me and private parties who are Respondents are all expressly kept open to be agitated before the Appellate Authority.

13. Needless to further state that the concerned competent statutory Authority shall also consider the fact that there is already an impending Civil Suit between the parties with respect to the same cause of action rather entitlement to the subject property and orders have been passed therein which shall be considered by him strictly in accordance with law while disposing of the Appeal.

14. With the above directions, Writ Petition is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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