

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16917 OF 2025

Baban Chiman Tajne

.. Petitioner

**Versus**

The Apar Tahsildar,  
Pimpri Chinchwad & Ors.

.. Respondents

.....

- Mr. A.Y. Sakhare, Senior Advocate a/w Mr. S.V. Sadavarte, Advocates for Petitioner
- Ms. Vaishali Nimbalkar, AGP for Respondent Nos. 1 to 5
- Mr. Avinash Avhad (through VC) a/w Mr. Sachin Gawade, Advocates for Respondent No. 6

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**CORAM : MILIND N. JADHAV, J.**

**DATE : APRIL 10, 2026**

**P. C.:**

1. Heard Mr. Sakhare, learned Senior Advocate for Petitioner; Mr. Avhad, learned Advocate for Respondent No. 6 and Ms. Nimbalkar, learned GP for State and its functionaries.

2. After hearing the submissions made by learned Advocates at the Bar, it is *prima facie* seen that substantive challenge is maintained to the orders dated 07.07.2021, 01.10.2024 and 31.10.2025 passed by the Statutory Authorities / Revision Authorities in RTS proceedings. It *prima facie* appears that there are serious disputed questions of facts which are emanating from the record. Case of Respondent No. 6 emanates from 1955 sale deed standing in the name of his predecessor-in-title whereas case of Petitioner subsequent thereto

emanates from a registered sale deeds of 1955 and 1976-1978 registered in the name of their predecessors-in-title.

3. According to Petitioner, the predecessors-in-title of Petitioner had purchased the subject land from their predecessors-in-title in 1955. Thus mutation entry was effected in 1955 and it was accordingly further mutated in 1978 in the name of Petitioner. This mutation entry was dislodged for the first time when one of the successor-in-title of Respondent No. 6 attempted to challenge the same in RTS proceedings in 2013. When such humongous timeline appears it would be appropriate if the parties seek their entitlement through the Civil Court and not on the basis of RTS proceedings.

4. After the matter was argued before me, Mr. Avhad in his usual fairness persuades the Court not to make any observations and further findings on merits so as to affect the substantive rights of Respondent No. 6 in the Civil Court proceedings that the Respondent No. 6 intends to file and pursue. The request and submissions made by Mr. Avhad are *prima facie* fair. In that view of the matter, without giving any imprimatur on merits, the orders dated 07.07.2021, 01.10.2024 and 31.10.2025 passed by the Competent Authorities / Revision Authorities which are the subject matter of challenge in the present Petition are quashed and set aside.

5. Needless to state that substantive right of Respondent No. 6 is expressly kept open and leave is granted to Respondent No. 6 to approach the Civil Court by filing appropriate Suit seeking declaratory reliefs as also injunctive reliefs as available to him in law and prosecute the same *qua* the subject property. If any such Suit is filed by Respondent No. 6 along with Exh. 5 Application, learned Trial Court is requested by this Court to dispose of the same in accordance with law after hearing both the sides. All contentions of Respondent No. 6 as also Petitioner are otherwise expressly kept open without deciding or adjudicating the facts in the present case.

6. If Exh. 5 Application is filed in the Suit proceedings by Respondent No. 6, after giving due notice to Petitioner and after hearing both sides, learned Trial Court is requested by this Court to dispose of the same as expeditiously as possible and in any event within a period of three months from the date of its filing.

7. With the above directions, Writ Petition stands disposed.

[ MILIND N. JADHAV, J. ]

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by RAVINDRA  
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AMBERKAR  
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