

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2864 OF 2026

Prabhavati Shankar Tandel

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

.....

- Mr. Sandeep Patade, Advocate for Petitioner
- Mr. A.C. Bhadang, AGP for Respondent Nos. 1 to 4 - State and its functionaries

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 27, 2026

P. C.:

1. Heard Mr. Patade, learned Advocate for Petitioner and Mr. Bhadang, learned Advocate for Respondent Nos. 1 to 4 - State and its functionaries.

2. Grievance of Petitioner before me is that by virtue of the RTS proceedings emanating from challenge to the order dated 12.12.1999 forfeiting the subject property for breach of the terms and conditions of the original grant be decided by this Court.

3. *Prima facie* it is seen that there are disputed questions of facts. Petitioner's predecessor-in-title was allotted the land by virtue of grant w.e.f. 01.08.1939 by a seal and certificate of Mamlatdar vide order dated 05.03.1940. Pursuant thereto and intervening until 1999 there are several mutation entries, Petitioner claims to have become owner

of the subject property as per the allotment letter of 1940 and on that basis seeks declaratory relief. Petitioner has also adopted daughter of the one of the predecessor-in-title of the concerned allottee and the names of the successor-in-title have been mutated thereafter in the revenue record.

4. Though Petitioner would contend that only two of the successors-in-title namely Respondent Nos. 5 and 6 are supporting the Petitioner but only because they were reluctant to file the proceedings, they have been made as proforma Respondents. Be that as it may in RTS proceedings emanating from the challenge to the order of forfeiture for breach of the terms and conditions, the desired relief rather declaratory relief sought for by Petitioner cannot be granted in the Writ Petition. Needless to state that Petitioner is given leave and liberty to approach the Civil Court having original civil jurisdiction for taking appropriate steps to challenge the order of forfeiture and / or take steps in accordance with law seeking declaratory relief and entitlement with respect to the subject land.

5. All contentions of Petitioner are expressly kept open. Needless to state that the orders passed in RTS proceedings which are the subject matter of the present Writ Petition shall be subject to the outcome of the Civil Suit if the Petitioner so desired to file seeking appropriate declaratory relief in accordance with law.

6. Needless to state that if the Civil Suit is filed along with Application below Exh. 5, Exh. 5 Application shall be heard expeditiously by learned Civil Court in view of the grievance of Petitioner that he has been in settled possession of the subject land until today in accordance with law.

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

[MILIND N. JADHAV, J.]

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