

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5860 OF 2026

Kailas Shantaram Nikam and Ors.

.. Petitioners

Versus

State of Maharashtra and Ors.

.. Respondents

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- Mr. Ranjit G. Jadhav, Advocate for Petitioners.
- Mr. A. I. Patel, Addl.GP for Respondent Nos.1 to 5.
- Mr. Khushal S. Patil, Advocate for Respondent No.11.
- Mr. Shubham Jangam, Advocate i/by Mr. Girish Agrawal for Respondent No.13.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 07, 2026

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 07.05.2026. Perused the praecipe.

2. Heard Mr. Jadhav, learned Advocate for Petitioners; Mr. Patel, learned Addl.G.P. for Respondent Nos.1 to 5; Mr. Patil, learned Advocate for Respondent No.11 and Mr. Jangam, learned Advocate for Respondent No.13.

3. Petitioners are aggrieved with the impugned order and consequential action in furtherance thereof. He would submit that the order is passed by the Tahsildar, Chandwad, District – Nashik. Though the said order is appellable because of the exigency expressed by Mr. Jadhav, the Court has been moved. Petitioners before me are

aggrieved with twin orders dated 27.10.2025 and order dated 28.04.2026 passed by the Tahsildar and the Sub-Divisional Officer in RTS proceedings, *inter alia*, with regard to Mutation Entry. Fearing grave apprehension that the private Respondents and Government Officers will act on the basis of the said orders, Petitioner has filed the present Writ Petition however maintaining a challenge only to the order dated 27.10.2025 passed by the Tahsildar.

4. However Mr. Jadhav in his usual fairness has placed on record copy of the subsequent order passed by the Sub-Divisional Officer which is dated 28.04.2026 and would submit that the Authorities have accepted the case of private Respondents and shall take coercive steps. The exigency mentioned by him is about the apprehension that the Authorities will take over forcible possession of the land on the basis of these RTS orders from Petitioners.

5. Mr. Jadhav would submit that in the proceedings between the parties, this Court had previously passed orders which are not taken cognizance of. This Court has directed the *quasi-judicial* Authorities to decide the *lis* between the parties on its own merits. However it is seen that the impugned order dated 28.04.2026 passed by the Sub-Divisional Officer is an appellable order before the Second Appellate Authority in accordance with Schedule – E of the Maharashtra Land Revenue Code, 1966 (for short ‘**MLRC**’) read with

Section 257 of MLRC, 1966.

6. Mr. Jadhav persuades the Court to take cognizance and pass appropriate orders. However, if this Court starts indulging in this practice it will not be fair since the MLRC itself has a robust *quasi-judicial* system in place and Authorities established thereunder to look into such matters.

7. Unless there is absolute perversity observed by the Court, it would not be appropriate for this Court to step in and disturb the orders of the *quasi-judicial* Officers which are appealable. There are also disputed questions of facts

8. Be that as it may, considering the *lis* and the grounds taken in the Petition, I have impressed upon Mr. Jadhav that the Petitioners should file an appropriate Appeal as available to the Petitioners before the Additional Collector who is the next *quasi-judicial* Appellate Authority to challenge the order dated 28.04.2026 and have faith in the system.

9. Mr. Jadhav on taking instructions informs the Court that the statutory Appeal against the order dated 28.04.2026 as also to challenge the order dated 27.10.2025 passed by the Sub-Divisional Officer and the Tahsildar will be filed before the concerned Appellate Authority namely Additional Collector, Malegaon alongwith an Application for stay on 12.05.2026 by the Petitioners.

10. There is fear expressed by the Petitioners that possession will be forcibly taken on 20.05.2026. That fear is on the basis of a notice which is appended to the praecipe. Mandal Officer has issued a notice that on 20.05.2026 at 11:00 a.m. possession will be taken from the Petitioners.

11. In view of this order and the statutory Appeal that will now be filed before the Appellate Authority, the Appellate Authority is directed to decide the stay Application of the Petitioners on or before 20.05.2026. If the Authority is unable to decide the same, the concerned Appellate Authority shall protect the Petitioners to that extent until it is decided. The notice issued by the Mandal Officer for taking possession is stayed upto 20.05.2026 until the Appeal and stay Application is filed and stay is decided as directed hereinabove.

12. Needless to state that Appellate Authority shall issue notice to the private Respondents namely Respondent Nos.11 and 13 who are duly represented by Mr. Patil and and Mr. Jangam before the Court and ensure copy of the Appeal that will be filed before the Appellate Authority will also be served by Mr. Jadhav on the concerned parties.

13. All contentions of the Petitioners as well as Respondents are expressly kept open.

14. Needless to state that Appellate Authority shall not be influenced by any observations and findings made in the twin orders

passed by the Tahsildar and Sub-Divisional Officer and shall determine the *lis* strictly on its own merits and in accordance with law.

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

H. H. SAWANT

[MILIND N. JADHAV, J.]

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