



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5901 OF 2026

Late Smt. Kamlibai Mahadu Patil

(Since Deceased)

Dhanubai Kashinath Patil

(Since Deceased)

Mohan Kashinath Patil

(Since Deceased)

1(a) Hausa Mohan Patil and ors.

... Petitioners

Versus

State of Maharashtra and ors.

.... Respondents

Adv. Durga Rajput a/w Adv. Shweta Rathod i/b. Elixir legal Services, for the petitioners.

Smt. R. M. Shinde, AGP, for the respondent-State.

**CORAM : M. S. KARNIK &
S. M. MODAK, JJ.**

DATE : 4th MAY, 2026

P.C. :

1. Heard learned counsel for the parties.
2. The petitioners have filed an application before the Additional Tahsildar and Executive Magistrate under Section 32G of the Bombay Tenancy and Agricultural Lands Act, 1948 ("the Tenancy Act", for short). The petitioners are the legal heirs of the

owner of the subject property. It is submitted that respondent Nos.3 to 5 are private individuals who are claiming interest in the said property without any lawful title, right or authority. It is further submitted that the said respondents have illegally entered upon and encroached upon portions of the said property. Respondent No.6 is a developer/builder who in collusion with respondent Nos.3 to 5 has commenced unauthorised construction activities on the said property without adjudication of rights by the competent revenue authority. According to learned counsel the predecessor of the petitioners was a protected tenant and deemed purchaser under the provisions of the Tenancy Act. It is submitted that without issuing any statutory notice, without conducting any inquiry and without granting opportunity of hearing, respondent No.2-Tahsildar, Bhayandar removed the name of the petitioners' predecessor from the revenue records. It is further submitted that the mutation entry was passed behind the back of the petitioners and without following due process of law.

3. We have heard the learned AGP who opposed the writ petition. Though the petitioners have a remedy under the

provisions of the Tenancy Act, in the interest of justice and considering the nature of the reliefs prayed we direct the Tahsildar and Executive Magistrate to decide the application under Section 32G of the Tenancy Act which is at page 82 of the paper-book expeditiously and in any case within a period of sixteen weeks from the date of communication of this order.

4. In addition we find that the appeal has been preferred by the petitioners before the Sub Divisional Officer, Thane. We request the Sub Divisional Officer, Thane to expedite the hearing of the appeal and decide the same preferably within a period of six months from the date of communication of this order. If an application for stay is made, the same be dealt with expeditiously.

5. It is also open for the petitioners to resort to appropriate remedies available in law against the respondents.

6. Without expressing any opinion on merits, keeping all contentions open, the writ petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)