

Sumedh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.3972 OF 2025

Remi Bubna Realtors LLP

... Petitioner

v/s.

State of Maharashtra & Ors.

... Respondents

Mr. Mayur Khandeparkar a/w. Adv. Shawani Bokaria i/by M/s.
Purnanand & Co. for the Petitioner.

Ms. Prachi Tatake (VC), Addl. GP, for the Respondent-State.

Mr. I.S. Yadav for Respondent No.4.

CORAM : KAMAL KHATA, J.

DATED : 13TH JANUARY 2026.

P.C. :

1. By this Petition, the Petitioner seeks to set aside the impugned orders dated 8 June 2023 and 4 December 2024.

2. By the impugned order dated 8th June 2023 the Tahsildar (Respondent No.3) decided issues of title on the application made Jayam M Kaveri (Respondent No.4) in respect of the property owned by the Petitioner bearing CTS Nos. 57, 57/1 to 18, admeasuring 4413.60 sq. meters including set back area of 72.5 sq. meters (subject property). An appeal preferred by the Petitioner becomes otiose because the application for condonation of delay for 39 days was rejected by Sub Divisional Officer (SDO) Respondent No.2 herein.

3. Mr. Khandeparkar for the Petitioner submits that the delay in filing the appeal before the SDO was caused because the Petitioner did not receive the papers sought through RTI application, probably because they were very old papers. He submitted that grave prejudice would be caused to the Petitioner being the owner as compared to Respondent No.4 who is merely an gratuitous occupier of 26.2 sq. meters on the subject property.

4. Mr. Khandeparkar submits that Respondent No.3 had no authority to adjudicate matters in respect of title to the subject property and in passing the impugned order had exceeded his jurisdiction. Besides the SDO himself failed to consider the provisions of section 247 of MLRC 1966 which permits an appeal from any decision passed by a revenue or survey officer under the MLRC or any other law in force.

5. Having heard the Petitioner and upon perusing the record this Court is of the view that the Petitioner being the owner of the land deserves to be heard on merits.

6. The Petition is allowed in terms of prayers (b) and (c).

7. The S.D.O. shall hear and dispose of the Petitioner's Application on merits preferably within a period of six weeks from today.

8. Writ Petition is accordingly disposed of.

(KAMAL KHATA, J.)