

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO.1388 OF 2026

Malan Ramprasad Gite and Ors.

.. Petitioners

Versus

The State of Maharashtra and Ors.

.. Respondents

-
- Mr. Chaitanya B. Nikte, Advocate i/by Mr. Prajit S. Sahane for Petitioners.
-

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 16, 2026

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 16.01.2026. Perused the praecipe.
2. Heard Mr. Nikte, learned Advocate for Petitioner.
3. The impugned order dated 07.11.2025 is passed by the State in RTS proceedings. Petitioners inform the Court that the said order is passed on a remand having been made by the Court by setting aside the previous order passed by the State because the State in its wisdom has entered into deciding the title of private Respondents *qua* the subject properties of RTS proceedings, *inter alia*, pertaining to Mojani Register (Survey Measurement – Mojani).
4. It is trite law that names which are effected by virtue of mutation pursuant to M.R. do not govern title of the parties neither do they establish title of the parties. Title of the parties is established on

the basis of either operation of law having been considered by the statutory Authorities or on the basis of registered documents for transfer of the subject property. In any event statutory Authorities cannot determine title.

5. One of the principal grievance aired by Mr. Nikte is that the State while passing the impugned order has reiterated and repeated its earlier order in the same manner and fashion by proclaiming the private Respondents to be owner of the subject property and has thereby entered into adjudication of title which is impermissible in law. He would submit that the Revision proceedings before the State have arisen on the premise of objection to survey and measurement (Mojani) *qua* the subject property and a determinative decision and adjudication that private Respondents are owners cannot be decided by the *quasi-judicial* / revisional Authorities.

6. He would in his usual fairness inform the Court that Petitioners have already filed a Civil Suit seeking entitlement as far back as in the year 2017 and a cross Suit has also been filed by the private Respondents seeking entitlement in the year 2018 and according to his instructions the Suits are pending for at the stage of issues / recording of evidence. He would submit that by virtue of the impugned order, the substantive entitlement and right of the Petitioner who is Plaintiff in the pending Suit is prejudicially affected since there

is a grave apprehension that private Respondents would deal with the property in that case. Hence he seeks immediate indulgence of the Court.

7. Mr. Nikte has drawn my attention to the impugned order which is appended at page No.272 and previous order of remand passed by this Court in the earlier round of Writ Petition appended at page No.267. I have perused both the orders. It is seen that 2 concurrent orders passed by the Authorities below have been upset by the impugned order.

8. In view of the above observations, an arguable case is made out by Mr. Nikte for intervention of this Court. In that view of the matter, issue notice to Respondents.

9. Humdast permitted. In addition to Court's notice, Petitioners are directed to serve the Respondents a copy of this order and copy of Writ Petition and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

10. Respondents shall file their Affidavit-in-Reply to the Writ Petition within a period of two weeks from today. Affidavit-in-Rejoinder, if any shall be filed within two weeks thereafter.

11. All steps in furtherance of the impugned order dated

07.11.2025 are stayed by this Court.

12. Liberty to Respondents to apply to this Court in case of any necessity.

13. Stand over to 16th February, 2026.

14. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2026.01.16
18:50:47 +0530