

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

WRIT PETITION NO.1999 OF 2024

Santosh Gopal Keluskar and Ors. .. Petitioners

Versus

The State Of Maharashtra Thr. The Revenue
Minister Revenue and Forest Dep. and Ors. .. Respondents

WITH

INTERIM APPLICATION NO.7915 OF 2024

IN

WRIT PETITION NO.1999 OF 2024

Pravina Kiran Jain .. Applicant

IN THE MATTER BETWEEN:

Santosh Gopal Keluskar and Ors. .. Petitioners

Versus

The State Of Maharashtra Thr. The Revenue
Minister Revenue and Forest Dep. and Ors. .. Respondents

WITH

INTERIM APPLICATION NO.1683 OF 2024

IN

WRIT PETITION NO.1999 OF 2024

Santosh Gopal Keluskar and Ors. Applicants/

.. Petitioners

Versus

The State Of Maharashtra Thr. The Revenue
Minister Revenue and Forest Dep. and Ors. .. Respondents

.....

- Mr.Pradeep Salgar, for LR's of Petitioner No.1.
- Ms. Leena Shah i/by Shah & Furia Associates, Advocate for Intervenor.
- Ms. Vaishali Nimbalkar, AGP for Respondent Nos.1 to 4.
- Mr. Kailas Dewal i/by Yash Dewal, Advocate for Respondent No. 5

.....

CORAM : MILIND N. JADHAV, J.

DATE : JULY 22, 2025

P.C.:

1. Heard.
2. I am informed that Petitioner No.1 has expired in the interregnum during the pendency of this Petition. Petition challenges mutation entries challenge to which have been rejected by the Competent Authority, the Appellate Authority and Revisional Authority. Prayer in the Petition *prima facie* when seen also appears to be innocuous in view of joinder of various Respondents who are functionaries of the State.
3. Be that as it may, record shows that admittedly Petitioner has also filed a civil suit to agitate his substantive right before the Civil Court and the said suit is pending. Considering that the substantive right of Petitioner is agitated in the civil suit this Court cannot give its imprimatur to the rejection of challenge to the mutation entries. Expressing any such opinion or imprimatur at this stage would affect the substantive challenge of the parties in the civil suit where parties shall lead evidence. In that view of the matter, Advocate for Petitioner is directed to take appropriate instructions from legal heirs of Plaintiff / Petitioner No.1 before me as also the Petitioner No.2 and accordingly apprise the Court on the next adjourned date.

4. *Prima facie* it is brought to my notice by Mr. Dewal and Ms. Shah that Petitioner No.1 on the basis of a writing received from Petitioner Nos.2 to 16 – the trustees of trust have claimed to have filed present Petition. However, Petition is verified only by Petitioner No.1.

5. There are several disputed questions of facts which are agitated before me by learned Advocates at the bar. Ms. Shah appears for intervenor who claims to have parallel rights alongwith Petitioner No.1 in the subject property. The trustees of the trust namely Petitioner Nos.2 to 16 have denied having given any authority in writing to Petitioner No.1 to prosecute or file the present Petition either.

6. Be that as it may, several disputed questions of facts and as delineated hereinabove arise. The learned Advocate for Petitioner / legal heirs of Petitioner No.1 is directed to take appropriate instructions and accordingly apprise the Court on the next adjourned date to enable this Court to pass appropriate orders in view of the substantive civil suit pending before the Civil Court.

7. At the request made by Mr. Salgar, stand over to **5th August, 2025.**

ER. Rajput

[MILIND N. JADHAV, J.]

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date: 2025.12.16
15:17:43
+0530