

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO.8132 OF 2026

Nitin Dhananjay Zunjarrao

.. Petitioner

Versus

State of Maharashtra and Ors.

.. Respondents

.....

- Mr. Siddharth Dustakar a/w. Mr. Aniruddh Tapkir, Advocates i/by Mr. Aniket Mokashi for Petitioner.
- Mr. Hemant Ghadigaonkar, Advocate for Respondents.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 26, 2026

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 26.03.2026. Perused the praecipe.

2. Heard Mr. Dustakar, learned Advocate for Petitioner and Mr. Ghadigaonkar, learned Advocate for Respondents..

3. The facts in the present case emanate from RTS proceedings. While upsetting three concurrent findings given by Additional Collector, Additional Divisional Commissioner and the Secretary in statutory proceedings, the learned Revenue Minister in Second Revision proceedings has considered the applicability of Certificate under Section 32M of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (for short '**the said Act**') produced by the private Respondents and while granting benefit of entitlement on the basis of the same upset the concurrent RTS findings/orders.

4. *Prima facie*, in so far statutory mutation entries are concerned, they will all be subject to the foundational substantive rights of the parties. In so far as right and entitlement of private Respondents represented by Mr. Ghadigaonkar are concerned, it is on the basis of entitlement under the said Act.

5. Private Respondents if they wish to seek entitlement will have to approach the competent Authority and or Civil Court and ascertain their right and entitlement in accordance with law. In the RTS proceedings confirming Mutation Entries, cognizance of the certificate under Section 32M under the said Act is taken in second Revision proceedings for the first time and hence the impugned order cannot be sustained.

6. Mr. Ghadigaonkar would submit that proceedings under Section 32M of the said Act and the 32G order have been passed in favour of private Respondents and registered document has also been executed. Since there is no period of limitation prescribed under the said Act it shall be open to the private Respondents to ascertain their substantive right for challenging the long standing Mutation Entries which have been confirmed by the statutory Authorities in RTS proceedings by following the due process of law.

7. Keeping all contentions of the private Respondents open, private Respondents are directed to give appropriate instructions to

Mr. Ghadigaonkar who shall apprise the Court on the next adjourned date so that appropriate orders can be passed.

8. The apprehension expressed by Petitioner in the meanwhile that third party rights will be created by private Respondents though cannot be countenanced but both parties are directed to ensure that *status quo* shall be maintained by the parties in respect of the subject property / respective holdings.

9. Stand over to **30th March 2026**. To be placed under the caption '**For Directions**'.

10. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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