

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6444 OF 2025

Vishwanath Subanna Hegde & Ors.

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

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- Mr. R.D. Soni a/w Mr. Sujay Gawade & Ms. Mudita Pawar i/by M/s. Shree & Co., Advocates for Petitioners
- Ms. Kavita N. Solunke, Additional GP a/w Mr. A.C. Bhadang, AGP for Respondent Nos. 1 to 5
- Ms. Alpa Javeri, Advocates for Respondent Nos. 6 to 18
- Mr. Suresh Morale, Asst. Revenue Officer present

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 26, 2026

P. C.:

1. Heard Mr. Soni, learned Advocate for Petitioners; Ms. Solunke, learned AGP for Respondent Nos. 1 to 5 and Ms. Javeri, learned Advocate for Respondent Nos. 6 to 18.

2. *Lis* in the present Writ Petition emanates from the orders passed in RTS proceedings. Twin orders i.e. order dated 29.10.2024 passed by the Additional Divisional Commissioner and in Revision dated 09.04.2025 passed by the State are the subject matter of challenge before the Court.

3. Petitioners have pursuant to the conveyance rather registered sale deed executed with private Respondents made an Application to

the Statutory Officers seeking mutation of their names in accordance with the provisions of Maharashtra Land Revenue Code, 1966 (for short "**MLRC**"). While considering that Application, learned Additional Divisional Commissioner by virtue of the order dated 29.10.2024 dismissed the same but has also exercised jurisdiction with respect to additional area which was not the subject matter of the Application nor the *lis* raised by Petitioners. Said dispute and *lis* would no longer *prima facie* be sustainable in view of the fact that Petitioners and private Respondents have by virtue of the Consent Terms dated 08.04.2024 (appended at page Nos. 116-132) now reconciled and resolved their dispute. In that view of the matter, if at all the State has any grievance with respect to any excess area and / or with respect to any government land, the State is at liberty to file appropriate proceedings in the Court having original civil jurisdiction for seeking substantive orders in respect of its right in the land. In RTS proceedings passing of orders in the manner in which learned Additional Divisional Commissioner has done in the first impugned order dated 29.10.2024 determining the issue of excess area ought not to have been done especially in view of the fact that same was never the issue agitated before the learned Statutory Authority.

4. Be that as it may, the orders dated 29.10.2024 and 09.04.2025 in view of the aforesaid reasons are clearly not sustainable and are quashed and set aside.

5. Application seeking mutation of the basis of the registered sale deed read with the consent terms dated 08.04.2024 between Petitioners and private Respondents be taken cognizance by the Statutory Officers and the aforesaid mutation entry be carried out in accordance with law.

6. It is submitted that at the time of hearing of the matter before the Additional Divisional Commissioner, the *lis* between the Petitioners and private Respondents was not reconciled and the Consent Terms were not placed before the Additional Commissioner as also in Revision proceedings. Be that as it may, the same now having been reconciled, the registered documents produced by Petitioners will be duly considered in accordance with law and appropriate mutation entry shall be carried out in accordance with law by following due process of law as prescribed under the MLRC.

7. Keeping all contentions of Petitioners otherwise kept open, present Writ Petition is allowed in the above terms. The exercise of carrying out the mutation entry shall be complied with as expeditiously as possible and in any event within a period of two

months from today by the concerned Statutory Officers strictly in accordance with law.

8. With the above directions, Petition is disposed.

[MILIND N. JADHAV, J.]

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by RAVINDRA
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