

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 600 OF 2026

Yamunabai Baban Kate
(Since deceased through her legal heirs)
Kamal i.e. Laxmibai Dattatray Hule
(Since deceased through legal heirs)
Shyam Dattatray Hule and Ors. .. Petitioners

Versus

Subhan Tukaram Rakshe
(Since deceased through his legal heirs)
Ashok Subhanrao Rakshe and Ors. .. Respondents

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- Dr. Uday Warunjikar a/w. Jenish Dinesh Jain, Advocates i/by Sakshi Inamdar for Petitioners.
 - Mr. A.I. Patel, Addl. GP a/w. Ms. Vaishali Nimbalkar, AGP for Respondent No.5 – State.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 19, 2026.

P.C.:

1. Heard Dr. Warunjikar, learned Advocate for Petitioners and Mr. Patel, learned AGP for Respondent No.5 – State.

2. At the outset, Mr. Patel, learned AGP would submit that in the present case Respondent No.5 has been nomenclatured as the State of Maharashtra through its Minister (Revenue Department). He would submit that it ought to be through the Principal Secretary Revenue and Forest Department. Advocate for Petitioners is permitted to amend the cause title of Petition to the extent of replacing the word “Minister” by

the words “Principal Secretary (Revenue & Forest Department)”. Necessary amendment is permitted to be carried out in the cause title of the Petition forthwith in the presence of the Court. It is allowed by the Court accordingly. Re-verification stands dispensed with.

3. There is a *lis* between family members whereby Petitioners and private Respondents are cousin siblings. *Lis* emanates from a Mutation Entry standing in the names of predecessors of the Petitioners. This Mutation Entry was challenged by the private Respondents in 2013 before the Sub-Divisional Officer successfully which order was upheld by the Collector. However in further Appeal before the Additional Commissioner, the orders passed by the Sub-Divisional Officer and the Collector were reversed. Private Respondents then challenged the order of Additional Commissioner before the State which upset the order passed by the Additional Commissioner and revived the order passed by the Sub-Divisional Officer.

4. Dr. Warunjikar, learned Advocate for Petitioners would submit that private Respondents have filed a substantive Civil Suit, *inter alia*, seeking entitlement in respect of the subject property and that Suit is pending adjudication. He would submit that once the Suit is filed, then it will have to be adjudicated to its logical conclusion to determine entitlement of parties and any order passed in Revenue proceedings / RTS proceedings will have to be arrested till then and

not implemented.

5. On the basis of the above, an arguable case has been made out by Dr. Warunjikar for issuance of notice and stay of the impugned order passed by the State which is the subject matter of the present Writ Petition. The order dated 15.10.2025 passed by the State stands stayed.

6. In view of the above, issue notice to Respondents. Humdast permitted.

7. Mr. Patel, learned AGP waives service on behalf of Respondent No.5 – State. He is directed to file its Affidavit-in-Reply on or before the next adjourned date.

8. In addition to Court notice, Petitioners are permitted to serve copy of amended Writ Petition and this order on private Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

9. After receiving notice, private Respondents are directed to remain present in Court on the next adjourned date either by themselves or through their Advocates and give details and status if the Suit proceedings to Court.

10. Respondents are directed to take cognizance of this order and file their Affidavit-in-Reply on or before the next date, if so desired.

11. Copy of this order shall be served on the private Respondents by the Advocate for Petitioners.

12. Stand over to 16th February 2026.

[MILIND N. JADHAV, J.]

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by AJAY
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