

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4414 OF 2002
WITH
CIVIL APPLICATION NO.585 OF 2016
IN
WRIT PETITION NO.4414 OF 2002

Ushabai Bhimrao Chavan
(since deceased) through her heirs
Hemantkumar Bhimrao Chavan and Ors. .. Petitioners

Versus

Ganpat Tatya Khadtale and Ors. .. Respondents

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- Mr. Rameshwar Gite a/w. Ms. Siddhi Dawne, Advocates for Petitioners.
 - Mr. Vimal Sanghavi, Advocate for Respondent No.1.
 - Mr. Purushottam G. Chavan a/w. Mr. Sachin S. Padaye, Advocates for Respondent Nos.5 and 6.
 - Mr. P. G. Sawant, AGP for Respondent Nos.7 and 8.
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 08, 2026

JUDGEMENT:

1. Heard Mr. Gite, learned Advocate for Petitioners; Mr. Sanghavi, learned Advocate for Respondent No.1; Mr. Chavan, learned Advocate for Respondent Nos.5 and 6 and Mr. Sawant, learned AGP for Respondent Nos.7 and 8.

2. Present Writ Petition is heard finally today. It was admitted in 2002. Three sets of parties are contesting the present Petition. Petitioners are the legal heirs of Ushabai Bhimrao Chavan. Respondent No.1 is Ganpat Tatya Khadtale, the principal contesting Respondent

whereas Respondent Nos.5 and 6 are the Taskar family members who have purchased the subject land from Petitioners in the year 2005. *Prima facie* Petitioners have no locus since they have sold the subject land to Respondent Nos.5 and 6. Mr. Gite represents the Petitioners whereas Mr. Chavan espouses the cause of Respondent Nos.5 and 6. Hence Respondent Nos.5 and 6 are the interested parties. Rest of the parties are proforma parties. The facts in the present case are undisputed but are extremely relevant for adjudication of the present *lis* between the parties. A word of caution needs to be noted herein because all along parties have filed and contested *quasi-judicial* proceedings under the Maharashtra Land Revenue Code, 1966 seeking entitlement on the basis of RTS proceedings and have raised several disputed questions of facts which shall be dealt with in this judgment.

3. Briefly stated, subject land is described as old Survey No.266/4-C, old Gat No.268 and new Gat No.295 admeasuring 2 Hectares 20 R situated in village – Sriramnagar, Taluka – Niphad, District – Nashik. The subject land is admittedly a Watan Land (referred to as '**subject land**'). The subject land was granted to original Watandar – Tatya Khandu Khadtale father of Respondent No.1 under Section 23 of the Bombay Hereditary Offices Act, 1874 (for short '**the said Act**') for his services to the Society as a remuneration of the Officiator. Tatya Khandu Khadtale sold the subject land to one Shantabai Khadtale for Rs.300/- vide Sale Deed dated 05.05.1958 on

the condition that if he returned back the purchase price of Rs.300/- to the purchaser within five years, the ownership of the subject land will revert back to the Watandar.

4. However in the year 1959, Tatya Khandu Khadtale expired. During that time, Bombay Inferior Village Watan Abolition Act, 1958 (for short '**the Abolition Act**') came into force and it was made applicable to the District – Nashik with effect from 1st February – 1959. By virtue of the Abolition Act, Watans were abolished and such Watan lands were resumed by the State Government. However there was a provision for re-grant of the Watan land to the Watandar and to nobody else. In this case original Watandar expired in the year 1959 and his family members were not in a position to apply for re-grant. Rather it is Respondent No.1's case that he was a minor in 1959. However, record shows that Tahsildar – Niphad re-granted the subject land to Shantabai Khadtale vide re-grant order dated 17.12.1963 on new impartible and inalienable tenure.

5. Thereafter said Shantabai Khadtale made an Application to Collector, Nashik requesting him to convert the user of the land to old tenure and grant her permission to sell the same under the Abolition Act. On her Application, Tahsildar – Niphad converted the user of subject land into old tenure vide order dated 16.07.1967, by virtue of which Shantabai was in position to deal with subject land. On the very

same day, Shantabai Khadtale sold the subject land to Gopinath B. Sali and it was thereafter further resold to P. P. Bhanushali.

6. The original Watandar - Tatya Khandu Khadtale was survived by his wife and son. His son is Respondent No.1 in the present Petition. When he became major in the year 1976, he made an Application to the Collector seeking re-grant of the subject land in accordance with the provisions of the Abolition Act on the ground that the re-grant order could only be granted in favour of the original Watandar or his legal heirs and not in favour of third parties. He apprised the Tahsildar that Shantabai Khadtale was a transferee of Watan land on the basis of the conditional sale by his father and was not original Watandar. The Tahsildar vide order dated 23.08.1978 held that transaction between original Watandar and Shantabai Khadtale as invalid, ordered re-grant of the subject land to the original Watandar / his legal heir on nominal penalty of Re.1/- and directed eviction of P. P. Bhanushali who was at that time in possession of the subject land.

7. P. P Bhanushali who was in possession of the subject land filed statutory Appeal to challenge the order dated 23.08.1978 passed by the Tahsildar before the Sub-Divisional Officer, Niphad, Nashik (for short '**SDO**'). By order dated 01.08.1980, SDO allowed the Appeal and directed restoration of possession of the subject land to P. P.

Bhanushali.

8. Being aggrieved, Respondent No.1 – Ganpat Tatya Khadtale filed Second Appeal No.49 of 1980 before the Collector, Nashik which was considered as Revision proceeding. The Collector, Nashik by order dated 23.03.1982 dismissed the Revision and upheld the order passed by the SDO. Respondent No.1 – Ganpat Tatya Khadtale filed second Revision before the Additional Commissioner, Nashik which came to be allowed by order dated 23.03.1987. By this order, the original order dated 23.08.1978 passed by Tahsildar was restored whereas the orders dated 01.08.1980 passed by the SDO and order dated 23.03.1982 passed by the Collector were set aside. The Petitioners being aggrieved filed Revision proceedings before the State. This Revision was allowed by the State by order dated 17.02.1988 and order dated 23.03.1987 was set aside. Respondent No.1 – Ganpat Tatya Khadtale being aggrieved filed Writ Petition No.4760 of 1988 in this Court. By order dated 30.07.1996, this Court remanded back the matter to the State to decide the Revision proceeding afresh by setting aside the order dated 17.02.1988. The State on remand by order dated 31.03.1997 dismissed the Revision proceeding. Being aggrieved, the present Writ Petition maintains challenge to the order dated 31.03.1997 passed by the State and also challenges the order dated 23.03.1987 passed by the Additional Commissioner.

9. The present Writ Petition is filed in the year 2002. It was admitted on 09.09.2002. The interim order was passed staying the order dated 31.03.1997. Record shows that before the Petition was filed, Mr. P.P. Bhanushali sold the subject land to Usha Bhimrao Chavan. She filed the present Petition. Thereafter she expired and her 3 legal heirs are brought on record. In 2005, they sold the subject land to Respondent Nos.5 and 6 i.e. the Taskar family members. Mr. Gite and Mr. Chavan, learned Advocates representing the Chavan family and Taskar family have made identical submissions.

10. In the above factual background of various *quasi-judicial* proceedings, Petitioners represented by Mr. Gite would contend that though Shantabai was not the original Watandar, the transfer and sale of Watan land by Tatya Khandu Khadtale to her by Sale Deed dated 05.05.1958 was effected after obtaining permission from the Collector. He would argue that even before the sale permission was granted by Collector, the original Watandar – Tatya Khandu Khadtale had already made an Application to the Competent Authority seeking conversion of the Watan land into old tenure. He would submit that sale of Watan land by Tatya Khandu Khadtale to Shantabai Khadtale was legal and valid and Mutation Entry No.4442 of 12.06.1958 was certified in favour of Shantabai Khadtale and the said Shantabai paid Nazrana amount to the Revenue Authorities pursuant to which sanad and regrant order was issued to Shantabai on 17.12.1963.

10.1. One of the strongest circumstance argued by Mr. Gite is that the sale transaction between Tatyia Khandu Khadtale the original Watandar and Shantabai Khadtale was executed prior to enforcement of the Abolition Act. He would submit that the sale transaction took place in the year 1958 whereas the Abolition Act was implemented and enforced with effect from 1st February 1959. He would submit that sanad / re-grant order issued by the Collector on 17.12.1963 in favour of Shantabai is still in subsistence and valid and it is not challenged by Respondent No.1.

10.2. He would submit that by virtue of *quasi-judicial* orders which are passed subsequently namely order dated 23.03.1987 read with order dated 31.03.1997 in effect cancel the sanad issued by the Collector and *quasi-judicial* Authorities do not have the power to effect such cancellation. He would therefore submit that Shantabai will have to be treated as the legal and juridical owner of the subject land unless and until the sanad subsists and until it is cancelled by the Civil Court in appropriate proceedings.

10.3. He would refer to and rely on the Bombay Land Revenue Code, 1879 and more specifically provisions of Section 211 thereof to contend that once sanad is granted by the Collector as an agent on behalf of the State it cannot be revoked by higher *quasi-judicial*

Officers in Revision proceedings unless it is cancelled by a competent Civil Court.

10.4. He would submit that the impugned order passed by the State upholding the order of the Additional Collector is therefore erroneous and illegal since the State does not have the Authority to nullify the effect of the sanad granted in favour of Shantabai. He would submit that sanad dated 17.12.1963 granted in favour of Shantabai is a document of title on the basis of which Shantabai has sold the subject land further to Gopinath B. Sali and he has further sold the subject land to P. P. Bhanushali and he has further resold the subject land to Ushabai Bhimrao Chavan who has ultimately sold the subject land to the Respondent Nos.5 and 6 (Taskar family).

10.5. He would submit that Respondent No.1 – Ganpat Tatya Khadtale was fully aware about this fact and therefore he chose not to file Suit in the Civil Court. He would submit that the Civil Suit would have been time-barred after issuance of re-grant in favour of Shantabai under the Abolition Act after following due process of law.

10.6. He would submit that Petitioners predecessor Usha B. Chavan entered into transaction with P. P. Bhanushali only after confirming the fact that sanad was granted in favour of Shantabai who is the predecessor-in-title. He would submit that the Chavan family was in possession of subject land as on date after having received

possession from P. P. Bhanushali and their possession cannot be ousted by virtue of *quasi-judicial* orders. He would submit that order dated 23.03.1987 passed by Additional Commissioner directing eviction of P. P. Bhanushali and the impugned order dated 31.03.1997 passed by the State dismissing the Revision filed by Petitioners against order dated 23.03.1987 therefore be upheld.

11. Case of the Petitioners is vehemently opposed by Respondent No.1 namely Ganpat Tatya Khadtale duly represented by Mr. Sanghavi. However, before I proceed with recording submissions made by Mr. Sanghavi, it is seen that Respondent Nos.5 and 6 namely the Taskar family who are the present holders of the subject Watan land are supporting the Petitioners. It is seen that during pendency of Writ Petition, Respondent Nos.5 and 6 purchased the subject property from Petitioners for valuable consideration.

11.1. Mr. Chavan, learned Advocate represents and espouses the cause of Respondent Nos.5 and 6 namely the Taskar family members. He would submit that Respondent Nos.5 and 6 entered into Agreement with Petitioners with regard to subject property during pendency of the Petition after complying with all due diligence. He would submit that Respondent Nos.5 and 6 have executed registered Sale Deed dated 24.10.2005 with Petitioners for Sale consideration of Rs.9,51,000/- and after paying the said consideration to Petitioners they have been

put into possession of the subject land.

11.2. He would submit that from the year 2005 onwards Respondent Nos.5 and 6 have been in continuous undisturbed possession of the subject land. He would submit that pendency of the present Petition was not to the knowledge of Respondent Nos.5 and 6 and it is only in the year 2019 when Respondent Nos.5 and 6 received notice of pendency of the present Writ Petition from the Court that they became aware of the present Writ Petition and were impleaded thereafter.

11.3. He would adopt the submissions made by Mr. Gite and submit that Respondent Nos.5 and 6 are *bonafide* purchasers for value who have paid substantial sums to the Petitioners for purchase of the subject property. Mr. Chavan would submit that in order to perfect the title of Petitioners and Respondent Nos.5 and 6, Court will have to consider the fact that their predecessor-in-title Shantabai was issued a re-grant order pursuant to which she paid the prescribed Nazrana amount and was thereafter issued a re-grant order which is a sanad under the Abolition Act.

11.4. He would submit that since the said re-grant order is in subsistence and not challenged till date, same needs to be upheld unless and until it is set aside by or in appropriate proceedings filed in Civil Court. He would submit that Court cannot lose sight of the fact

that Shantabai had paid occupancy rights / nazarana amount to the extent of ten times of the occupancy rights pursuant to which tenure of the subject property was converted from Watan land to old tenure. He would submit that Mutation Entry No.5726 of 1963 was certified in the Revenue record thereafter. He would submit that Respondent No.1 has suppressed the fact that the re-grant order has not been challenged till date and therefore contend that impugned order dated 31.03.1997 passed by the State dismissing the Revision proceeding filed by Petitioners be set aside and possession of Respondent Nos.5 and 6 be protected.

12. *PER CONTRA*, Respondent No.1 – Ganpat Tatya Khadtale duly represented by Mr. Sanghavi has taken me through the gamut of the factual proceedings before various Authorities delineated hereinabove which for the sake of brevity are not repeated herein. His principal submission is that it is not denied the Collector has granted the re-grant order on 17.12.1963, but he would submit that the said order is not granted in the name of Shantabai. He would submit that name of the Watandar in the re-grant order has been kept as 'blank'. He would refer to and rely upon the compilation of documents and papers placed on record, *inter alia*, pertaining to the proceedings before the Collector and draw my attention to the re-grant order appended thereto. In the said re-grant order, he would draw my attention to the portion where the re-grant order in the name of

Watandar has been left as 'blank'.

12.1. He would submit that the precise reason as to why said re-grant order was not challenged by Respondent No.1 is because it was never granted in favour of Shantabai. He would submit that in any event re-grant order ought not to have been granted at all considering the fact that Shantabai was not the original Watandar. He would submit that the provisions of Abolition Act and more specifically sub-Section (1) of Section 5 thereof contemplate issuance of re-grant order in the favour of original Watandar. He would submit that original Watandar in the present case was Tatya Khandu Khadtale and the subject land is originally Class – VI – B Watan land granted to Watandar under Section 23 of the said Act. He would submit that under Section 7 of the said Act, such land granted as Watan land is classified as 'Inam land' and it cannot be alienated or assigned to any person without sanction of the State Government. In the present case he would submit that the Watandar – Tatya Khandu Khadtale borrowed Rs.300/- from Shantabai Khadtale and sold the land subject to the condition that if he repays the amount borrowed from her, the land would revert back to him.

12.2. He would submit that such alienation of Watan land by Watandar is impermissible in law until and unless the sanction of the State Government is accorded. He would submit that such alienation

and transfer of the Watan land has no legal effect and is not *bonafide* whatsoever to the person in whose favour the Watan land is alienated or assigned to alienate the said land further. He would submit that there are legal precedents which hold that alienation of Watan land in contravention of provisions of Section 7 read with Section 23 of the said Act is null and void *ab-initio* and incapable of resulting in any legal consequences.

12.3. He would submit that any Watan land, alienated, assigned without sanction of the State Government is invalid in view of the specific mandatory statutory provisions contemplated under Section 7 of the said Act. He would therefore submit that said Shantabai Khadtale acquires no legal right whatsoever in respect of the Watan land and therefore she was not a person capable of conferring or transferring any legal right in the said land to any third person thereafter. He would therefore submit that all further transfers of said Watan land by Shantabai Khadtale to Gopinath B. Sali thereafter to P. P. Bhanushali and thereafter to Ushabai B. Chavan become invalid. He would therefore urge the Court to dismiss the Petition.

13. I have heard Mr. Gite, learned Advocate for Petitioners; Mr. Sanghavi, learned Advocate for Respondent No.1; Mr. Chavan, learned Advocate for Respondent Nos.5 and 6 and Mr. Sawant, learned AGP for Respondent Nos.7 and 8 and with their able assistance perused the

record of the case. Submissions made by them have received due consideration of this Court.

14. As stated earlier, facts in the present case are undisputed. However to put them in perspective, the same are required to be noted in my findings herein.

15. Briefly stated, subject land namely old Gat No.268 and new Gat No.295 situated in village – Sriramnagar, Taluka – Niphad, District – Nashik was inferior village services Watan land which admittedly was allotted rather granted to the father of Respondent No.1 namely Tatya Khandu Khadtale under the provisions of the said Act. There is no dispute about this admitted fact. Before I proceed further Section 7 of the said Act needs to be noted. Section 7 of the said Act reads thus:-

*“7. Watan property assigned under Section 23^{1***} as remuneration of an officiator, and the profits of watan property so assigned, shall not be alienated or assigned to any person whatever without the sanction of [the [State] Government].”*

16. From the above, it is *prima facie* seen that Watan property once assigned as remuneration of Officiator which was so assigned to Tatya Khandu Khadtale in the present case has an embargo to the extent that it shall not be alienated or assigned to any person whatever without the sanction of the State Government. The words ‘sanction of the State Government’ were substituted for the previous words ‘Provincial Government’ by the Adaption of Laws Order, 1950. It is

prima facie seen that there was a clear sanction and embargo if any Watan property was required to be alienated or assigned.

17. In the present case on 05.05.1958, the Watandar entered into a Sale Deed with Shantabai Gangadhar Khadtale presumably one of his family member on the condition that on the payment of Rs.300/- within a period of five years, the Watan land would revert back to him. It is seen that in the year 1959, two important incidents occurred: (i) on 01.02.1959, the Abolition Act came into force by virtue of which the original Watandar was given a right to seek re-grant of the Watan land by following the due process of law by making an Application under Section 4(1) of the Abolition Act before the Competent Authority. (ii) In the same year, Watandar – Tatya Khandu Khadtale expired.

18. Record shows that sometime in the year 1967, Shantabai Gangadhar Khadtale made an Application before the Tahsildar seeking conversion of land to old tenure. The Tahsildar determined the said Application by order dated 16.07.1967, copy of which is placed before me in the compilation of documents filed by the Tahsildar, Niphad appended to Affidavit-in-Reply dated 11.12.2025 pursuant to the order dated 02.12.2025 passed by this Court to place the Record and Proceedings before the Court.

19. Perusal of that order, *prima facie* shows that Shantabai Gangadhar Khadtale represented to the Tahsildar / Competent

Authority that she was holder of subject Watan land and therefore under the provisions of Section 4 of the Abolition Act she needs to be re-granted to her on the premise that she is Watandar. This specific case of predecessor-in-title of the Petitioners is specifically stated in paragraph No.1 of the order passed by Tahsildar / Competent Authority dated 16.07.1967 which is the conversion order.

20. Before I proceed further with dissection of the above order, it needs to be noted that Shantabai Khadtale represented that she is the holder of the subject Watan land under the provisions of the said Act and is therefore eligible to make an Application seeking re-grant under Section 4 of the Abolition Act. This on the face on record is a false assertion made by her.

21. Reading the said order further shows that Tahsildar / Competent Authority has recorded further in unnumbered paragraph No.2 of the said order that Watandar namely Shantabai Gangadhar Khadtale has paid the assessment under Section 5(1) of the Abolition Act and therefore she is entitled for re-grant. However the date on which the said amount has been paid is left 'blank' to read as '___-___-१९___'.

22. Reading the order further shows that under the said order, the name of Shantabai which is appearing in paragraph No.1 of the said order and in whose favour the said order is required to be passed

has been kept as blank in line No.10 of the unnumbered paragraph No.2. The said order further records that on the condition stated in the said order, the re-grant has been effected in the name of holder of the land.

23. Once this is the situation and more specifically so in the facts and circumstances of the present case wherein the original transaction dated 05.05.1958 between the original Grantee and Shantabai itself being illegal since it lacked permission and sanction from the State Government, the case of Petitioners who are subsequent purchaser of the subject Watan land, cannot be accepted. On the face of record, the order of re-grant is ambiguous as it clearly lacks clarity and more specifically proceeds on the basis of completely false assertion made by Shantabai Gangadhar Khadtale therein. Most importantly the said order does not state the name of the person in whose name the re-grant has been allowed on the face of record.

24. This is an important circumstance which cannot be lost sight of. Merely because Shantabai Gangadhar Khadtale may have paid Nazrana amount, she cannot and does not *ipso facto* become the holder and owner of subject Watan land. The holder of the subject Watan land as on date of coming into effect of Abolition Act i.e. 01.02.1959 was Tatya Khandu Khadtale. Though said Tatya Khandu Khadtale had transferred the subject land to Shantabai on the basis of

a conditional sale, when Shantabai approached the Tahsildar in the year 1967 seeking / conversion the fact whether the conditional sale was fructified was *prima facie* suppressed by her which is clearly evident from what is recorded in the order dated 16.07.1967 alluded to hereinabove.

25. In that view of the matter and considering the date of transfer made by Watandar to Shantabai prior to coming into effect of the Abolition Act on 01.02.1959, the holding of Shantabai *prima facie* becomes unauthorised and she therefore gets classified as an unauthorised holder. Such unauthorised holder is defined in Section 2(x) of the the Abolition Act which reads thus:-

“2. *Definitions:-*

...

(x) “unauthorised holder” means a person in possession of a watan land without any right or under a lease, mortgage, sale, gift or any other kind of alienation thereof which is null and void under the existing watan law”.

26. Application seeking re-grant of land presumed under Section 4 of the Abolition Act can only be made by the holder of the said land. In this case, original Watandar expired in the year 1959. The re-grant order in the present case passed under Section 5(1) of the Abolition Act was infact granted wrongly treating Shantabai as the Watandar of the subject land on her such misrepresentation and therefore the said order being invalid had no force of law whatsoever to enable

Shantabai to seek conversion to old tenure and deal with the Watan land any further.

27. Further in view of the conditional sale merely because Mutation Entry was effected in favour of Shantabai, right and entitlement of the parties cannot be established on the basis of such Mutation Entry. Once original sale transaction dated 05.05.1958 between original Watandar and Shantabai was itself illegal and void *ab-initio* as per Section 7 of the said Act and Shantabai was neither the Watandar nor the authorised holder within the meaning of Section 2(x) of the Abolition Act and no evidence being placed on record about Shantabai having any hereditary interest in the Watan land and no evidence being placed on record by Shantabai to show that she was entitled to subject land as a Watandar, the case of Petitioners who are successors-in-title to Shantabai have to fail.

28. In view of the above, the dismissal of Revision Application by virtue of the order dated 31.03.1997 deserves to be upheld and orders dated 23.03.1982 passed by Additional Commissioner and the impugned order dated 31.03.1997 are both upheld and confirmed.

29. Resultantly, the order dated 23.08.1978 passed by the Tahsildar is confirmed. Record of the case also shows that Petitioners had filed Writ Petition No.2604 of 1997 to challenge the impugned order dated 31.03.1997 which was withdrawn subsequently on

26.02.1998. Thereafter the Petitioners filed the present Petition in the year 2002 to assail the order dated 31.03.1997 once again.

30. Statutorily under Section 5 of the Abolition Act, the transfer of Watan land is prohibited without sanction of the State Government. After the 5 year period lapsed, Shantabai did not take appropriate legal steps to fructify her title by seeking declaration from Civil Court. She quietly assumed herself to be the Watandar of the subject land and made a false application for conversion and sold the subject land. These surreptitious acts of Shantabai are contrary to the statutory provisions of the Bombay Hereditary Offices Act, 1874 and the Abolition Act, 1959. Hence there are twin embargos in the present case namely under Section 5 of the Abolition Act and under Section 7 of the said Act which were admittedly not complied with when sale dated 05.05.1958 took place between the original Watandar and Shantabai Gangadhar Khadtale.

31. However, in view of the aforesaid observations and findings, case of Petitioners who are subsequent purchasers of Watan land cannot be accepted or allowed since their right in the subject land derivated to them from Shantabai who was not the original Watandar of the subject land cannot be accepted by the Court.

32. Any future and further transaction carried out by Shantabai on the basis of the conversion order dated 16.07.1967, copy of which

is placed before the Court cannot be accepted as legal by the Court.

33. In that view of the matter, Petition has to fail. The order dated 31.03.1997 is upheld and confirmed. No costs.

34. In view of dismissal of Petition, interim relief stands vacated forthwith.

35. All parties are directed to act on server copy of this judgement downloaded from Bombay High Court website.

36. Writ Petition is disposed as dismissed. In view of dismissal of Writ Petition, pending Civil Application is also disposed.

[MILIND N. JADHAV, J.]

37. After judgement is pronounced, Mr. Gite requests the Court to continue the interim relief. However in view of the observations and findings rendered in the above judgement and the fact that Petitioners are no longer in possession of the subject lands and they having created third party rights in favour of Taskar family, the request made by Mr. Gite stands rejected.

38. After the above order is dictated, one Mr. Padaye, learned Advocate present in Court informs the Court that he is holding for Mr. Chavan and persuades the Court to stay the present judgement. Mr. Padaye was present alongwith Mr. Gite all along and standing next to him since inception but did not make the request alongwith Mr. Gite.

Be that as it may, in view of aforesaid findings and observations, I am not inclined to accept the request made by Mr. Padaye. His request for stay is rejected.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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