

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7542 OF 2026

- | | | | |
|----|-------------------------------------|---|-----------------|
| 1. | Suka Mahadu Khade |] | |
| | Age : 58 Years, Occ : Agriculturist |] | |
| 2. | Ganpat Mahadu Khade |] | |
| | Age : 56 Years, Occ : Agriculturist |] | |
| 3. | Abhaji Mahadu Khade |] | |
| | Age : 53 Years, Occ : Agriculturist |] | |
| 4. | Pandharinath Mahadu Khade |] | |
| | Age : 50 Years, Occ : Agriculturist |] | |
| | All residing at Chakore, Taluka |] | |
| | Trambakeshwar, District : Nashik |] | ... Petitioners |

V/s.

- | | | | |
|----|--------------------------------------|---|-----------------|
| 1. | Bababai Tukaram Shevre |] | |
| | Age : 58 Years, Occ : Agriculturist |] | |
| | Residing at Chakore, Taluka |] | |
| | Trambakeshwar, District : Nashik |] | |
| 2. | Malabai Devram Bendkule |] | |
| | Age : 55 Years, Occ : Agriculturist, |] | |
| | Residing at Kone, Taluka |] | |
| | Trambakeshwar, District : Nashik |] | |
| 3. | The Additional Commissioner |] | |
| | Nashik Division, Nashik |] | |
| 4. | The Circle Officer, |] | |
| | Trambakeshwar, Nashik |] | |
| 5. | The State of Maharashtra |] | |
| | Through Hon'ble Minister For |] | |
| | Revenue, Mantralaya Mumbai |] | ... Respondents |

Mr. Nikhil M. Pujari for the Petitioners.
Ms. Nisha Mehra, AGP for the Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.
RESERVED ON : 17th June, 2026
PRONOUNCED ON : 6th July, 2026**

JUDGEMENT (Per : Kamal Khata, J.) :-

1) By this Writ Petition under Article 226 of the Constitution of India, the Petitioners seek to quash and set aside the Order dated 27th October, 2025 passed by the learned Additional Divisional Commissioner, Nashik Division, Nashik in R.T.S. Appeal No. 454 of 2025 and the Order dated 9th June, 2026 issued by the Circle Officer, Trambakeshwar, Nashik. The Petitioners additionally seek a Writ directing the Respondent No.5 to decide, in a time bound manner, the R.T.S. Revision Application filed by them on 22nd December, 2025.

2) Mr. Pujari appearing for the Petitioners, submits that the property bearing Gat No. 57, ad-measuring 2 Hectares and 41 Ares, situated at Village Chakore, Taluka Trambakeshwar, District Nashik, ('the subject property'), is the ancestral property of both the Petitioners and the Respondents.

3) He submits that the Petitioners had entered into an Agreement dated 13th November, 1997 with Respondent No.1, taking the property on lease for a period of 99 years for a total consideration of Rs.90,000/-. The Agreement was duly executed and by the parties before witnesses.

4) He submits that, despite having received the entire consideration, the

Respondents, without the Petitioners' knowledge, got the Petitioners' names deleted from the Record of Rights and retained only their names. The Respondents had challenged the Mutation Entry Nos. 259 and 381, which stood in the name of the Petitioners, by R.T.S. Appeal No. 31 of 2023. It was opposed by the Petitioners and consequently, the said Appeal was dismissed by the Sub-Divisional Officer by his Order dated 11th July, 2023, thereby confirming the Mutation Entries.

5) Mr. Pujari submits that, instead of challenging the Order dated 11th July 2023, the Respondents instituted KUKA Case No.2 of 2023 before the Tahsildar. He submits that the Tahsildar, as well as the Additional Divisional Commissioner, Nashik Division, Nashik passed an Order dated 25th April, 2025 favouring the Respondents which has seriously prejudiced the Rights of the Petitioners.

6) He submits that, the Petitioners have been in lawful, continuous and peaceful possession of the property since prior to 1991, and continue in possession thereof even today. He further submitted that, from 1991 until 2023, the Respondents neither objected to the Agreement dated 13th November, 1997, nor did they challenge the transaction nor the execution of the Sale Deed dated 31st January, 2004 before any Competent Authority.

7) He submits that, in view of the above, the execution and implementation of the impugned Order dated 27th October, 2025 passed by the Additional Divisional Commissioner, Nashik Division, Nashik in R.T.S.

Appeal No.454 of 2025 and the Order of possession dated 9th June, 2026 issued by the Circle Officer Trambakeshwar be stayed.

8) Ms. Mehra, AGP for the Respondent State, opposed the Petition.

9) We have heard both Advocates and have perused the entire record.

10) We find no merit in the Petition. The entire transaction appears to be a sham. The Agreement on the record is merely a notarized document having no evidentiary value. The claim that consideration of Rs.90,000/- was paid in cash is false. The document merely records that the Respondent No.1 acknowledges having Rs.90,000/- “from time to time”; no receipt evidencing any such payment has been produced, and no consideration is shown to have in fact been paid by the Petitioner for alleged lease of 99 years. The document bears a thumb impression purportedly of Respondent No. 1. Save for the bald assertions, there is no other document substantiating the rights of the Petitioners in the subject property.

11) In the aforestated facts and circumstances, we do not find any merit in the contentions of the Petitioners Advocate seeking a direction to Respondent No.5 to expeditiously hear the Revision Application filed by them on 22nd December, 2025.

12) The Order passed by the Additional Divisional Commissioner, Nashik Division, Nashik is well reasoned and warrants no interference. A plain reading shows that it was passed after hearing both the parties and considering their respective contentions in their entirety. Importantly, it

rightly records that the land belonging to Respondent No. 1 an Adivasi was sought to be transferred without requisite permission from the concerned authority; that is impermissible. We find that the conclusion arrived is duly justified.

13) In view of the above, we pass the following order:

- a) The Petition is dismissed.
- b) Additionally, by exercising our powers under Article 226 of the Constitution of India, to subserve the ends of justice and with a view to curtailing further litigation, we also dismiss the Revision Application filed by the Petitioners before the Hon'ble Minister for Revenue, Mantralaya, Mumbai.
- c) The Registry to furnish a copy of this Order to the Ministry for Revenue, Mantralaya within a week of uploading this order on the website of this Court.
- d) The impugned Order of the Additional Divisional Commissioner is upheld and directed to be implemented within a period of four weeks from the date of this Order being uploaded on the website of the Bombay High Court.
- e) No order as to costs.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)