

Sayali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9090 OF 2026

Marathon Panvel Infrastructures Pvt Ltd ... Petitioner

V/s.

State of Maharashtra and Others ... Respondents

Mr. Girish Godbole, Senior Advocate with Prathamesh Ayare i/b Vivek Kakade, for Petitioner.

Ms. Mamta S. Shrivastava, AGP for State- Respondent Nos. 1 to 4.

Mr. Surel S. Shah, Senior Advocate i/b Mr. Aniket Ranade, for Respondent nos. 14 to 16.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 05, 2026

P.C.:

1. The present Petition arises from the proceedings started by Respondent No.5, namely Saga Builders Private Limited, challenging various mutation entries dated 23 February 1989, 12 April 2006, 17 June 2008 and 01 April 2010.

2. Facts and circumstances as stated petitioner are as follows. Respondent No.7, namely the Original Owner, was the owner of agricultural land bearing Survey No.57/3/1. The land measures 1,34,275.87 square metres and is situated at Mauje Pali Budruk, Taluka Panvel, District Raigad. This land is referred to hereafter as the "Subject Property". On 22 September 1988, the Original

Owner entered into a registered Agreement for Sale with Respondent Nos.10 to 13, who are referred to as the 1989 Purchasers. The Agreement was in respect of the Subject Property. The agreed consideration was Rs.8,55,000/-. On 6 January 1989, the Original Owner executed a registered Sale Deed in favour of the 1989 Purchasers in respect of the Subject Property. The consideration mentioned in the Sale Deed was Rs.8,58,000/-. This document is referred to as the “1989 Sale Deed”. On 23 February 1989, after the execution of the 1989 Sale Deed, Mutation Entry No.1008 was made in the revenue record. On 20 February 1993, the 1989 Purchasers executed a Release Deed amongst themselves. By this document, Respondent Nos.12 and 13 released their rights in the Subject Property in favour of Respondent Nos.10 and 11. On 9 March 1987, Mutation Entry No.1098 was made recording the names of Respondent Nos.12 and 13. On 23 December 2005, Respondent Nos.12 and 13 executed a registered Sale Deed in respect of the Subject Property in favour of the 2005 Purchasers. The consideration mentioned in the Sale Deed was Rs.36,91,325/-. This document is referred to as the “2005 Sale Deed”. On 12 April 2006, Mutation Entry No.1322 was made in the revenue record on the basis of the 2005 Sale Deed.

3. On 16 January 2006, the Petitioner made an application under Section 63-1A of the MTAL Act for setting up a multi-product Special Economic Zone in 20 villages of Panvel. Pali Budruk was one of the villages included in the proposal. The

Subject Property was part of the land proposed for the said project. On 12 September 2006, the Development Commissioner, Industries, granted permission in favour of the Petitioner under Section 63-1A of the MTAL Act. On 12 January 2007, the 2005 Purchasers executed a registered Sale Deed in favour of the Petitioner in respect of the Subject Property. The consideration mentioned in the Sale Deed was Rs.75,50,435/-. This document is referred to as the “2007 Sale Deed”. On 1 April 2010, Mutation Entry No.1488 was made in the revenue record on the basis of the 2007 Sale Deed.

4. On 8 August 1988, Saga claims to have purchased the Subject Property, along with Survey No.57/13, from the POA Holder of the Original Owner by a registered Sale Deed. This document is referred to as the “Saga Sale Deed”. According to the Petitioner, the Saga Sale Deed has several serious defects. First, the Saga Sale Deed is stated to have been executed on 8 August 1988. However, the registration appears to have taken place only after an endorsement made by the Sub-Registrar on 31 July 2003. Second, the entire Sale Deed is typed. However, the second page, on which the name of Saga is mentioned, is handwritten on a separate page. Third, Saga is a private limited company. According to the Petitioner, the Saga Sale Deed was executed without obtaining the necessary permission under Section 63 of the MTAL Act. Fourth, the consideration shown in the Saga Sale Deed is only Rs.37,000/-. According to the Petitioner, this amount is very small when compared with the consideration of

Rs.8,58,000/- mentioned in the 1989 Sale Deed executed in favour of the Petitioner's predecessor. Fifth, according to the Petitioner, the Saga Sale Deed does not contain the signature of any authorised signatory of Saga.

5. On 25 February 2011, Saga filed Appeal No.72 of 2011 before the SDO. By this Appeal, Saga challenged Mutation Entries Nos.1008, 1322, 1393 and 1488. The Petitioner points out that Saga did not file any application seeking condonation of delay in challenging Mutation Entry No.1008. This Mutation Entry was made on 23 February 1989. The Petitioner points out that, in paragraph 4 of its Appeal, Saga stated that after execution of the Saga Sale Deed, it had orally informed the Talathi about its purchase of the land. According to Saga, the revenue officer had committed a mistake by continuing to show the name of the Original Owner in the revenue record.

6. On 28 July 2011, the Petitioner had filed its Written Reply on 24 March 2011. Thereafter, the Petitioner filed an Additional Written Say. In paragraph 7 of the Additional Written Say, the Petitioner raised an objection that Saga had not filed any application for condonation of the delay of about 22 years in challenging the concerned Mutation Entry. On 9 January 2012, the SDO allowed Appeal No.72 of 2011 filed by Saga. The SDO cancelled and set aside Mutation Entries Nos.1008, 1322 and 1488. The SDO directed that action be taken on the basis of the Saga Sale Deed.

7. On 8 March 2012, following the SDO Order, Mutation Entry No.1577 was made in favour of Saga. However, the Circle Officer made a remark in the 7/12 extract that the agricultural status of Saga was required to be verified. On 19 June 2012, the office of the Tehsildar, Phaltan, issued a certificate stating that one Mr. Keval Duggal owned agricultural land at Phaltan and was an agriculturist. The Petitioner contends that Saga is a private limited company and is a separate legal entity. Therefore, according to the Petitioner, merely because Mr. Duggal was an agriculturist, Saga could not be treated as an agriculturist. On 19 July 2012, the Tehsildar, Gulbarga, Karnataka, addressed a letter seeking verification and confirmation regarding the agriculturist status of Mr. Duggal. On 25 July 2012, a reply was received from the Tehsildar, Gulbarga.

8. On 14 May 2013, on an application made by Saga, the Revenue Minister directed that, in view of Section 88(1)(b) of the MTAL Act, Sections 1 to 87 of the said Act would not apply to the Subject Property. According to the Petitioner, this order had the effect of giving permission after the purchase had been made. The Petitioner contends that Saga was a non-agriculturist and could not have purchased the Subject Property without the required permission.

9. On 22 July 2013, Saga executed a registered Sale Deed in favour of Respondent Nos.14 to 16, who are referred to as the Purchasers from Saga. Under the said Sale Deed, the Subject

Property was sold for a total consideration of Rs.3,20,00,000/-.

10. On 28 April 2012, being aggrieved by the SDO Order, the Petitioner filed Appeal No.97 of 2012 before the Collector. On 11 December 2012, the Collector dismissed Appeal No.97 of 2012 filed by the Petitioner and confirmed the SDO Order. On 29 January 2013, being aggrieved by the Collector Order, the Petitioner filed Revision Application No.35 of 2013 before the Commissioner. On 24 May 2013, the Commissioner dismissed the Revision Application filed by the Petitioner. On 25 July 2013, being aggrieved by the Commissioner Revision Order, the Petitioner filed Review Application No.422 of 2013 before the Commissioner. On 18 July 2014, the Commissioner dismissed the Review Application filed by the Petitioner. On 21 July 2016, the Petitioner filed Special Civil Suit No.294 of 2016 before the Civil Judge, Senior Division, Panvel. In the said Suit, the Petitioner sought a declaration that the 2007 Sale Deed was valid, binding and continued to remain in force. The Petitioner challenged the Saga Sale Deed and the Saga Second Sale Deed. It sought a declaration that both these documents were void ab initio and had no legal effect. The said Suit is still pending.

11. On 21 July 2016, being aggrieved by the Commissioner Review Order, the Petitioner filed a Revision Application before the Revenue Minister. In paragraphs 4.14 to 4.16 of the Revision Application, the Petitioner stated that the proceedings initiated by Saga were barred by limitation. On 14 August 2025, the Revenue

Minister dismissed the Revision Application filed by the Petitioner.

12. Mr. Godbole, the learned Senior Advocate appearing for the Petitioner, submitted that there was no decision by the appellate authority on whether there was sufficient reason for the long delay in filing the Appeal. According to him, this was important because, unless the delay was first considered and condoned, the appellate authority had no jurisdiction to entertain the Appeal after such a long period. He submitted that the authorities under the Act could not have proceeded to hear and decide the Appeal without first condoning the delay. He submitted that deletion of Respondent No.7 and the other respondents would not make the present Petition not maintainable. According to him, Respondent No.7 had transferred his entire ownership in favour of the other respondents. He submitted that the original Appeal before the SDO was filed only by Respondent No.5 and Respondent No.5 continues to remain a respondent in the present Petition.

13. On the other hand, Mr. Shah, the learned Senior Advocate appearing for Respondent Nos.14 to 16, submitted that deletion of Respondent Nos.6, 7, 9 and 11 to 19 had resulted in orders which were inconsistent with each other and which operated against the Petitioner. He submitted that the delay in filing the Appeal had been explained in paragraph 8 of the Appeal Memo. Therefore, according to him, there was no requirement to file a separate application for condonation of delay. In support of this

submission, Mr. Shah relied upon the judgment of the Supreme Court in *Sesh Nath Singh and Another Vs. Baidyabati Sheoraphuli Co-operative Bank Limited and Another*, (2021) 7 SCC 313. The learned Advocate appearing for the Petitioner, at the time when notice was issued, had stated in paragraph 4 of the order that the orders passed in the RTS proceedings would remain subject to the decision of the Civil Court in the pending Civil Suit and the Interim Applications filed therein. He submitted that, if this Court interferes in the present Petition, it would result in reviving an order which, according to the Petitioner, was illegal. On this ground, he submitted that no interference was called for in the present Petition.

REASONS AND FINDINGS

14. I have considered the Petition, the orders passed by the authorities and the submissions made by Mr. Godbole, learned Senior Advocate for the Petitioner, and Mr. Shah, learned Senior Advocate for Respondent Nos.14 to 16.

15. The main question before this Court is whether the authorities could have entertained and decided the Appeal filed by Respondent No.5 after such a long period, without first considering whether the delay in filing the Appeal was required to be condoned.

16. The facts regarding the delay are important. Mutation Entry No.1008 was made on 23 February 1989. Respondent No.5 filed Appeal No.72 of 2011 before the SDO only on 25 February

2011. Thus, the challenge to Mutation Entry No.1008 was made after about 22 years. The Petitioner had brought this fact to the notice of the SDO. In paragraph 7 of its Additional Written Say, the Petitioner had objected that Respondent No.5 had not filed any application for condonation of the delay of about 22 years. Thus, this objection was before the authority. It was not something which had not come to the notice of the authority. The authority was required to consider the same and give its decision.

17. There is one more fact which is relevant. Respondent No.5 stated that after execution of the alleged Sale Deed in its favour, it had orally informed the Talathi about its purchase of the land. Its case was that the revenue officer had made a mistake by continuing to show the name of the Original Owner in the revenue record. Therefore, it cannot be said that there was no explanation at all before the SDO regarding the delay. But merely giving some explanation was not enough. The authority was required to consider whether the explanation given by Respondent No.5 was sufficient for not challenging Mutation Entry No.1008 from 23 February 1989 till 25 February 2011. The authority had to consider the period of about 22 years. It was required to consider why Respondent No.5 did not take steps during this long period. The authority was required to consider the revenue entries which continued in the names of persons claiming through the Original Owner and the rights which had come into existence during this period. There is no such consideration or finding in the order.

18. Mr. Godbole, learned Senior Advocate for the Petitioner, submitted that when the authority had not decided whether there was sufficient cause for the delay, it could not have exercised its appellate jurisdiction after such a long period. To this extent, I find substance in the submission. However, I do not accept the submission that a separate application for condonation of delay must in every case be filed as an absolute requirement. Such a proposition cannot be accepted in view of the judgment relied upon by Mr. Shah.

19. Mr. Shah relied upon the judgment of the Supreme Court in *Sesh Nath Singh and Another*. The Supreme Court has held in paragraph 63 that Section 5 of the Limitation Act does not require a separate application and that there is no bar on the Court or Tribunal considering condonation of delay even where a formal application has not been filed. The Supreme Court has observed that filing a formal application is the normal practice because it helps the Court or Tribunal to consider whether the cause shown for the delay is sufficient. Therefore, the submission of Mr. Shah that the Appeal could not have been entertained only because no separate application for condonation of delay was filed cannot be accepted in such an absolute manner.

20. But the judgment in *Sesh Nath Singh* does not mean that a delay of many years can be ignored. The Supreme Court has made it clear that there must be sufficient cause before delay can be condoned. Whether the explanation amounts to sufficient

cause will depend upon the facts of each case. Therefore, the real question is not only whether a separate application was filed. The real question is whether the appellate authority considered the delay and came to a finding that there was sufficient cause for such delay before entertaining the Appeal. That exercise is absent in the present case.

21. The law may not require a particular form of application in every case. But the authority is still required to apply its mind to the delay. If the appellant has given the reasons for the delay in the Appeal Memo, the authority can consider those reasons. It can then decide whether those reasons amount to sufficient cause and, if satisfied, condone the delay. Only thereafter can it proceed to hear the Appeal on merits. But the authority cannot proceed as if the Appeal was filed within time and decide the main dispute without first deciding the question of delay.

22. The SDO, while allowing Appeal No.72 of 2011, cancelled and set aside Mutation Entries Nos.1008, 1322 and 1488 and directed action on the basis of the Saga Sale Deed. The SDO Order directly affected the revenue record and affected the claim of the Petitioner arising from the earlier transactions. Before taking such action, the SDO was required to consider the preliminary objection of the Petitioner regarding the long delay in challenging Mutation Entry No.1008. The Petitioner had raised this objection. The Mutation Entry, its date and the period of delay were pointed out. Even then, there is no finding as to

whether Respondent No.5 had sufficient cause for the delay.

23. Condonation of delay and deciding the Appeal on merits are two different things. Condonation of delay cannot be treated as only a formality. The authority has to consider the explanation for the delay and the circumstances placed before it. In the present case, Respondent No.5 was seeking to challenge an entry which had remained in the revenue record from 23 February 1989. During these years, several transactions had taken place. The record shows that the 1989 Purchasers had acquired the property under the registered Sale Deed dated 6 January 1989 for Rs.8,58,000/-. Thereafter, Respondent Nos.12 and 13 executed a registered Sale Deed dated 23 December 2005 in favour of the 2005 Purchasers for Rs.36,91,325/-. Thereafter, the 2005 Purchasers executed a registered Sale Deed dated 12 January 2007 in favour of the Petitioner for Rs.75,50,435/-. Mutation Entry No.1488 was thereafter made on 1 April 2010. Thus, when Respondent No.5 filed its Appeal on 25 February 2011, the position had considerably changed from what it was when Mutation Entry No.1008 was made in 1989. Several transactions and revenue entries had taken place in the meantime.

24. Therefore, it cannot be said that the question of delay was of no importance. The delay was about 22 years. During this period, the property had been dealt with under several registered transactions and the Petitioner had acquired the property under a

registered Sale Deed. The authority was required to consider this whole position before allowing Respondent No.5 to reopen the old revenue entry.

25. I have considered the submission of Mr. Shah that the delay had been explained in paragraph 8 of the Appeal Memo and there was no need for a separate application for condonation of delay. As stated, a separate formal application is not in every case compulsory. To that limited extent, the submission is correct. But this does not answer the main issue. Even if paragraph 8 of the Appeal Memo contained an explanation, the authority had to examine that explanation. It had to decide whether the explanation was sufficient. It had to record a finding on that question. A statement made by the appellant explaining the delay does not mean that the delay has been condoned. The authority having jurisdiction has to take that decision. The judgment in *Sesh Nath Singh* does not help Respondent Nos.14 to 16 in the manner suggested. There must be sufficient cause and the authority has to consider the explanation in the facts of the case. The Supreme Court has recognised that limitation gives a valuable right to the opposite party and such right should not be taken away casually. At the same time, where sufficient cause is shown, the Court should not take an unnecessarily strict and technical approach. Both sides have to be considered.

26. In the present case, however, there was no such consideration. The question whether sufficient cause existed was

not decided.

27. I have considered the submission of Mr. Shah regarding deletion of Respondent Nos.6, 7, 9 and 11 to 19. It is true that some of the original parties have been deleted from the proceedings. However, the original Appeal before the SDO was filed by Respondent No.5 and Respondent No.5 continues to be a party before this Court. The grievance in the present Petition relates to the proceedings started by Respondent No.5 and the orders passed in those proceedings. The Petitioner has pointed out that Respondent No.7 had transferred his entire ownership in favour of other persons. In these circumstances, deletion of some parties does not prevent this Court from deciding the Petition, particularly when the person who had initiated the original proceedings continues to be before the Court.

28. I have considered the submission that deletion of some respondents resulted in inconsistent orders against the Petitioner. It is not necessary to decide this issue in detail for deciding the present Petition. The Petition can be decided on the basic defect in the manner in which the Appeal was entertained and decided. The issue of delay arose in the original proceedings themselves. It does not depend upon all the subsequent purchasers being parties to the present proceedings.

29. There is one more submission which requires consideration. It was submitted that, at the time of issuance of notice, the Petitioner had stated that the orders passed in the RTS

proceedings would be subject to the decision of the Civil Court in the pending Civil Suit and the Interim Applications filed therein. This submission does not prevent this Court from examining whether the impugned order was passed.

30. The statement that the RTS proceedings would remain subject to the Civil Court's decision only means that the revenue proceedings will not decide the civil rights of the parties. It cannot mean that the statutory authorities were free to ignore the requirements of law while deciding the revenue proceedings. In that Suit, the Petitioner has sought a declaration that the 2007 Sale Deed is valid and binding. The Petitioner has challenged the Saga Sale Deed and the Saga Second Sale Deed and has sought a declaration that they are void ab initio and have no legal effect. These questions will be decided by the Civil Court in accordance with law. This Court is not deciding the final question of title between the parties in the present Petition. The finding in this Petition is limited to the legality of the revenue proceedings and particularly to the failure of the appellate authority to consider the delay before entertaining the Appeal.

31. The events which took place after the SDO Order show why the question of delay could not have been treated as a mere formality. After the SDO Order, Mutation Entry No.1577 was made in favour of Saga on 8 March 2012. However, even then, the Circle Officer made a remark in the 7/12 extract that the agricultural status of Saga was required to be verified. Thereafter,

proceedings regarding the agriculturist status of Saga continued. On 19 June 2012, the office of the Tehsildar, Phaltan issued a certificate regarding the agriculturist status of Mr. Keval Duggal. The Petitioner contended that the status of an individual could not be treated as the status of Saga, which was a private limited company. These issues may be decided in the appropriate proceedings. I am not deciding them here. But they show that the matter had several disputed aspects and the authority could not have ignored the preliminary question of delay.

32. I have considered the objections raised by the Petitioner regarding the Saga Sale Deed. The Petitioner has pointed out that the document is stated to have been executed on 8 August 1988, whereas its registration appears to have taken place after an endorsement made by the Sub-Registrar on 31 July 2003. The Petitioner has pointed out that the second page mentioning the name of Saga is handwritten, that Saga is a private limited company and that the consideration shown in the document is only Rs.37,000/-. The Petitioner has contended that the document does not bear the signature of an authorised signatory of Saga. These objections raise questions about the validity and effect of the Saga Sale Deed. Those questions are connected with the title dispute which is pending before the Civil Court. They are not required to be decided in this Petition. I accordingly do not record any final finding regarding the validity of the Saga Sale Deed.

33. At the same time, the existence of these disputed questions could not be a reason to ignore the delay in the statutory Appeal. The authority was first required to decide whether the Appeal could be entertained after such a long period. The order of consideration was important. First, the authority had to consider the delay. Second, it had to decide whether sufficient cause was shown. Only after that could it proceed to examine the challenge to the mutation entries on merits. That course was not followed.

34. I am conscious that mutation entries by themselves do not decide the title to an immovable property. The parties have approached the Civil Court. Their final rights in the property will depend upon the decision of the competent Civil Court. But that does not make the defect found in the present proceedings unimportant. A statutory authority has to exercise its power in the manner required by law. When an Appeal is filed after an extraordinary delay and the opposite party objects to that delay, the authority has to decide that objection. It cannot proceed to the merits of the Appeal without deciding the delay.

35. In my opinion, absence of such adjudication affects the validity of the orders which followed. The SDO could not have cancelled Mutation Entry No.1008, which had remained in the revenue record from 23 February 1989, without first considering whether Respondent No.5 had sufficient cause for approaching the appellate authority only on 25 February 2011. The subsequent orders of the Collector and the Commissioner

proceeded on the basis of the SDO Order. The Commissioner dismissed the Review Application. Thereafter, the Revenue Minister dismissed the Revision Application on 14 August 2025. Once the basic defect of entertaining the Appeal without deciding the delay is found, the subsequent orders confirming the earlier decision cannot independently remain.

36. The Petition succeeds on this ground. It is not necessary for this Court to decide the rival claims of title of the Petitioner and Respondent Nos.14 to 16. Those questions are pending before the Civil Court. Setting aside the impugned order will operate only upon the revenue proceedings. It will not amount to a declaration of title in favour of either party.

37. I have considered what consequential relief should be granted. Respondent Nos.14 to 16 claim through Saga and have acquired the property under the registered Sale Deed dated 22 July 2013. Therefore, merely because the impugned revenue order is being set aside, they cannot be prevented from taking such steps as are available to them in law for entering their names in the record of rights. If Respondent Nos.14 to 16 file an application under Section 149 for entering their names in the record of rights, the competent authority shall consider and decide the same independently and in accordance with law. Such decision shall remain subject to the rights and contentions of the parties in the pending Civil Suit and to the decision which may ultimately be given by the competent Civil Court.

38. For the reasons stated above, I am satisfied that the impugned order dated 14 August 2025 cannot be sustained. The orders confirmed by that order cannot continue to operate.

39. The Petition is accordingly allowed in terms of the following order.

40. In view of the foregoing discussion, and upon overall assessment of the material record, the following order is passed:

(i) The impugned order dated 14 August 2025 passed by the authority under the Act, confirming the orders passed by Respondent Nos.2, 3 and 4, is hereby quashed and set aside.

(ii) It is clarified that setting aside of the impugned order shall not prevent Respondent Nos.14 to 16 from filing an appropriate application under Section 149 of the Act for entering their names in the record of rights. If such an application is filed, the concerned authority under the Act shall consider and decide the same in accordance with law.

(iii) The Petition is accordingly allowed in the above terms and stands disposed of.

(AMIT BORKAR, J.)