

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3399 OF 1991
WITH
CIVIL APPLICATION NO. 3108 OF 2013

Narayan D. Mali, since deceased
by Heirs Smt. Bhamabai Narayan
Mali & Anr.

.. Petitioners

vs.

Krishna Yajurvedi Taittiriya
Apastamb Brahman Trust & Ors.

.. Respondents

Mr. S. G. Karandikar for Petitioners.
Mr. Uday Warunjikar for Respondent No. 1.

CORAM : M. S. SONAK, J.
DATE: 15 JANUARY 2015

P.C. :-

1] This petition is directed against the judgment and order dated 25 April 1991 made by the Sub Divisional Officer, Pandharpur granting exemption certificate under Section 88B of the Bombay Tenancy and Agricultural Lands Act, 1948 ("said Act") in favour of respondent – trust.

2] Mr. Warunjikar, the learned counsel for the respondent-trust points out that this Court in the case of ***Hanuman P. Shingan & Ors. vs. Vithal Deo Karad Public Trust & Ors.***¹, has held that a revision petition is maintainable against an order passed by the Sub

¹ 2014(6) Mh.L.J. 198

Divisional Officer under Section 88-B granting or rejecting a certificate of exemption.

3] In view of the aforesaid, this petition can be disposed of by granting the petitioners liberty to prefer a revision petition against the impugned order. If such revision petition is preferred by the petitioners within a period of four weeks from today, then the same shall be entertained by the revisional authority on merits. Mr. Warunjikar, the learned counsel for the respondent – trust records that respondent-trust shall not raise any objection with regard to limitation.

4] Further, taking into consideration the circumstance that the dispute relates to the year 1991, it would be appropriate if the revisional authority disposes of such revision petition within a period of six months from the date of its institution. Such disposal shall be on merits and in accordance with law.

5] In view of the long lapse of time, the petitioners are granted specific liberty to prefer a revision petition, without enclosing therewith certified copy of the impugned order dated 25 April 1991. However, at a later date as and when such certified copy is obtained by the petitioners, the same shall be placed on the record of the revisional authority.

6] For a period of four weeks from today, and if the petitioners indeed prefer a revision petition within the said period, then during the pendency of the revision petition, interim relief granted by this Court on 8 August 1991 shall operate.

7] In view of the disposal of the present writ petition, the civil application therein does not survive and is accordingly disposed of.

8] The record and proceedings be transmitted at the earliest and in any case within a period of four weeks from today.

9] Parties to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)