

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.5001 OF 2014

Ravikant Keshev Rumade ... Petitioner

Vs.

The State of Maharashtra & Ors & Ors. ... Respondents

...
Mr.Raksh Bhatkar a/w Mr.Mohan N.Devkule for Petitioner.
Mr.Sudhir Prabhu for Respondent No.2.
Mrs.V.S.Nimbalkar AGP for Respondent No.1
...

CORAM : A. K. MENON, J.
DATE : SEPTEMBER 29, 2015.

P.C.

1. The present Writ Petition challenges an order of Maharashtra Revenue Tribunal in two Revision applications being order no. TNC/REV/93/B/2010 and TNC/REV/221/B/2012 passed under section 70(b) and 32-G of the Maharashtra Tenancy & Agricultural Lands Act, 1948 (MTAL) In the tenancy case No. 215 of 2003 decided on 18/6/2007. The Tahsildar, Rajapur declared Respondent No. 1 who is petitioner here as tenant of land bearing survey no. 156/6 and the Sub Divisional Officer, Ratnagiri, in tenancy appeal 66/2007 confirmed the order of the Tahsildar on 10/12/2009. Thereafter in proceedings under section 32-G of the MTAL Act, the purchase price was fixed and confirmed by the Sub Divisional Officer.

2. In Tenancy Appeal No. 44/2010 which was filed against an order u/s 32G, the death certificate annexe of one Moro R. Date was produced which showed that he had expired on 14/10/1989, Then the order under section 32-G was passed against a person who had died on 14/10/1984. After having considered these aspects the Maharashtra Revenue Tribunal by the impugned order found that there was no attempt made to find the correct address of the landlord and that the proceedings adopted were not proper. The Tribunal found that the orders passed under Section 70(b) and 32-G of the Tenancy Act passed by Tahsildar, Rajapur and confirmed by Sub-Divisional Officer, Ratnagiri to be set aside and were accordingly set aside. The Tahsildar, Rajapur was directed to give all parties an opportunity to lead oral and documentary evidence and cross examine the adverse party and witness.

3. The parties were directed to appear before the Tahsildar and the proceeding remanded. The impugned order also records an agreement between Revision application and Respondent no. 1 therein to appear before the Tahsildar on 24th September, 2013. However, it is stated across the bar that no hearing has taken place since the present petition has been pending. The present petition is filed on 21st April, 2014. In fact there was no reason for the Tahsildar not to proceed as per the order of remand. Accordingly, I do not find

any case for interference and I pass the following orders :

- (a) The said Writ Petition stands dismissed.
- (b) The Tahsildar, Rajapur is directed to hear the parties as per law.
- (c) The parties are directed to appear before the Tahsildar, Rajapur on Monday, 26th October, 2015 at 11.00 am.
- (d) Copy of the order shall be forwarded to the Tahsildar, Rajapur by the Learned A.G.P.
- (e) There will be no order as to costs.

(A. K. MENON, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment / Order.