

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4340 OF 2000

Bhupal B. Goundaje since deceased by his heirs and Lrs. & anr.	.. Petitioners
vs.	
Shankar S. Joshi	.. Respondent

WITH

CIVIL APPLICATION NO.379 OF 2015

Smt. Sanjeevani A. Thorat and ors.	.. Applicants/ Interveners.
------------------------------------	--------------------------------

In the matter between

Bhupal B. Godaje since deceased by his heirs and Lrs. & anr.	.. Petitioners
vs.	
Shankar S. Joshi	.. Respondents

Mr. Arun Palekar for the Petitioners in W.P.No.4340/2000 & for original Petitioners in C.A.No. 379/2015.
Mr. Vikas Kolekar for the Applicants/Interveners.

CORAM : M. S. SONAK, J.
DATE : 2 MARCH, 2015

P.C. :-

1] This petition is directed against the order dated 26 November 1999, allowing the revision application instituted by the original landlord and thereby setting aside the orders made by the Tehsildar and the Sub-Divisional Officer (SDO), which were in favour of the petitioners.

2] The only discussion in the impugned order is contained in paragraph 6 thereof, which reads thus:

“6. I have gone through the orders passed by both the lower courts. Both the lower courts have not applied their mind to the facts and circumstances of the case. Both the lower courts lost sight of fundamental principles of the Tenancy Act. Hence in short, the orders passed by both the lower courts are “Mechanical orders” and as such liable to be quashed and set aside. There is definitely a substance in this Revision Application. The present Revision Application is covered by the provisions of Sect.76 of The Tenancy Act and as such the same is required to be allowed.

Revision Application is allowed. Orders passed by both the lower courts are hereby quashed and set aside.

No order as to cost.”

3] From the aforesaid, it is clear that the Maharashtra Revenue Tribunal (MRT), by way of a very vague and general observations has set aside the orders made by the Tehsildar and the SDO. The MRT has criticized the orders made by the two authorities as being 'mechanical orders'. The criticism in fact, ought to apply to the order made by the MRT itself.

4] In the exercise of revisional jurisdiction, the MRT, is required to apply its mind and thereafter interfere with the orders made by the sub-ordinate authorities, if a case is made out for such interference, keeping in mind the parameters of revisional jurisdiction under Section 76 of the Bombay Tenancy and Agricultural Lands Act, 1948. Further, the MRT is required to set out the reasons for interference. The interference cannot be by means of some general observations that both the lower Courts have lost sight of fundamental principles of the Tenancy Act and the orders made are mechanical orders.

5] For the aforesaid reasons, the impugned order made by the MRT is liable to be set aside and is hereby set aside.

6] The Revision Application is restored to the file of MRT, which shall decide the same in accordance with law as expeditiously as possible and in any case within six months from today.

7] The applicants in Civil Application No.379 of 2015, have applied for intervention in the present proceedings, *inter alia*, on the ground that they have purchased the suit property from the original landlord. The application is opposed by the learned counsel for the petitioners, by pointing out that the date of alleged purchase is of the year 1992 and the orders made by the Tehsildar, SDO and MRT are after the said date. Further, the applicants never applied for any intervention in the proceedings before the Tehsildar, SDO and MRT.

8] Without prejudice to such objections, it would be appropriate if the applicants are permitted to intervene in the revision application, which is now remanded to the the MRT.

9] Accordingly, the applicants in the said revision application to implead the applicants in Civil Application No.379 of 2015 as respondents, within a period of four weeks from 30 March 2015, on which date, all the parties to appear before the MRT to obtain directions for expeditious disposal of the revision application.

10] Rule is made absolute to the aforesaid extent in the writ petition as well as the civil application. There shall be no order as to costs.

11] It is clarified that this Court has not examined the matter on merits and it will be for the MRT to hear and decide the revision application in accordance with law.

12] All contentions of all the parties are kept open.

13] The petition as well as as the Civil Application are disposed of, accordingly.

(M. S. SONAK, J.)

dinesh