

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

WRIT PETITION NO.10975 OF 2014

Balaso Bhagwan Navale : Petitioner.
Versus
Chandrakant Nemu Navale and ors. : Respondents.

Mr. T S Ingale for the Petitioner.
Mr. S D Rayrikar AGP for the Respondent Nos.2 to 6.

CORAM : R. M. SAVANT, J.
DATE : 09th June 2015

P.C.

1 The order dated 6/9/2013 passed by the Revisionary Authority i.e. the Hon'ble Minister for Revenue, Government of Maharashtra rejecting the Revision Application filed by the Petitioner is taken exception to by way of the above Petition.

2 The Revision Application was filed against the order passed by the Additional Commissioner, Pune dated 29/2/2012. By the said order the Revision Application filed by the Respondent No.1 came to be allowed and resultantly the order passed by the Additional Collector, Walwa came to be confirmed. The dispute is in respect of Mutation Entry No.42376 which has been effected in favour of the Respondent No.1 to the extent of half share in the property in question.

3 In so far as the said land is concerned, the Petitioner had initiated proceedings under Section 70(B) of the Bombay Tenancy and Agricultural Lands Act for declaration of the Petitioner as a tenant. The said proceedings have culminated in the order of remand passed by the Sub-Divisional Officer which was confirmed by the Maharashtra Revenue Tribunal in Revision, a challenge was raised to the order passed by the Maharashtra Revenue Tribunal in this Court by way of Writ Petition No.1626 of 2001. This Court dismissed the said Petition and confirmed the order of remand.

4 It appears that the position as was prevailing at the time when the Sub-Divisional Officer, Walwa passed the order viz. that Mutation Entry No.42376 was to operate in terms of the order passed by this Court. It appears that though the proceedings under Section 70(B) of the said Act have been remanded back to the Tahasildar and ALT, they have not progressed as such and in the mean time the mutation in favour of the Respondent No.1 came to be reinstated in view of the order passed by this Court.

5 In my view, having regard to the reasons mentioned in the impugned order passed by the Revisionary Authority no case for interference in the writ jurisdiction of this court is made out. Needless to state that the said mutation effected in favour of the Respondent No.1 would undoubtedly be subject to the result of the proceedings under Section 70(B) of the said Act. In

so far as the said proceedings are concerned, the concerned Authority is directed to hear and decide the same expeditiously if there is no impediment in doing the same. With the aforesaid observations, the above Writ Petition is dismissed.

[R.M.SAVANT, J]