IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1661 OF 2014

Nagnath Digambar Kailaswar & Anr.
-vs-
Dattatraya Devasthan & Ors.

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Shri T. J. Patil, Advocate for petitioner.
Shri Sumant Deopujari, Advocate for respondent No.1.
Shri R. M. Bhagade, AGP for respondent Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.
DATE : JUNE 19, 2015

Challenge in the present writ petition is to the order passed by the Maharashtra Revenue Tribunal rejecting the appeal preferred by the present petitioners and confirming the order passed under provisions of Section-120-C of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1956 (for short the said Act).

On behalf of the petitioners, it is submitted that a Purchase Certificate came to be issued in their favour on 28/01/1993. Inspite of that the proceedings under Section 120-C of the said Act came to be initiated. It is submitted that the petitioners were not liable to be evicted from the lands in question which was in their occupation for considerable period. It is submitted that these aspects were not considered by the Maharashtra Revenue Tribunal when it confirmed the order passed by the Sub-Divisional Officer under Section 120-C of the said Act.

On behalf of the respondents, it is submitted that the Purchase Certificate granted in favour of the petitioners came to be subsequently cancelled which order came to be confirmed by the Sub-Divisional Officer. That adjudication attained finality. In view of the Exemption Certificate granted under provisions of Section 129 of the said Act, the Trust's lands were exempted due to which the order of eviction was legally unjustified.

Considering aforesaid submissions, it is seen that on 25/04/2007, the Tahsildar had passed an order holding that as Exemption Certificate had been granted to the Trust, the lands in question stood exempted. Therefore, the request made by the present petitioners under provisions of Section-49-B of the said Act could not be accepted. This order was confirmed by the Sub-Divisional Officer on 13/06/2011.

The fact that an Exemption Certificate has been granted under Section-129 of the said Act is not in dispute. In view of the fact that the Purchase Certificate in favour of the petitioners had been cancelled, the order of eviction passed under provisions of Section 120-C of the said Act cannot be said to be illegal. In view of aforesaid, there is no jurisdictional error in the order passed by the Maharashtra Revenue Tribunal. Moreover, the petitioners have already been evicted from the lands in question on 26/05/2012. Hence there is no reason to interfere in writ jurisdiction. Writ petition is therefore dismissed with no order as to costs.

JUDGE