

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2037 OF 2016

Baburao D. Bhanage .. Petitioner

vs.

Ratankumar S. Rathi and ors. .. Respondents

AND

WRIT PETITION NO. 2039 OF 2016

Baburao D. Bhanage .. Petitioner

vs.

Laxmibai N. Patil (died during pendency
of appeal) and ors. .. Respondents

Mr. A.M. Kulkarni for the Petitioner.

CORAM : M. S. SONAK, J.

DATE : 22 FEBRUARY 2016.

P.C. :-

1] In the present petitions, there is a serious dispute as to whether the Petitioner, in both the petitions, is indeed the agricultural tenant in respect of the suit property and further, there is also a dispute as to who is precisely the landlord *qua* the suit property and *qua* the Petitioner, who claims the tenancy to the suit property. In these circumstances, the authorities were right in dismissing the Petitioner's applications seeking to purchase the suit property under Section 32G of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (said Act).

2] The authorities have rightly observed that the Petitioner ought to have instituted appropriate proceedings under Section 70(b) of

the said Act to seek declaration with regard to his claim for tenancy.

3] Accordingly, there is no case made out to entertain the present petitions. However, the Petitioner shall always be at liberty to institute appropriate proceedings under Section 70(b) of the said Act or any other proceedings for the purposes of determination of his alleged right *qua* the suit property. In case, such proceedings are indeed instituted by the Petitioner, then the authorities, before whom such proceedings are instituted, to decide the same in accordance with law and on their own merits, without being influenced by any observations made in the orders impugned in these petitions, as also in the present order, by which the present petitions are not being entertained.

4] With the aforesaid observations and liberty, these petitions are dismissed. There shall, however, be no order as to costs.

(M. S. SONAK, J.)