

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

WRIT PETITION NO.2524 OF 2016

**Dnyanu S/o Bapu Pandhare
deceased through L.H.**

Shrimant s/o Dnyanu Bapu Pandhare and ors. : Petitioners

versus

**Smt. Bhangarewa Basappa Dolli
Deceased through L.H.**

**Smt.Dhannawa Shankar Madanshetti
Through Power of Attorney**

Omprakash Rachappa Dolli and ors. : Respondents.

Mr. P M Chakurkar for the Petitioners.

CORAM : R. M. SAVANT, J.

DATE : 10th March 2016

P.C.

1 The order dated 15/12/2015 passed by the learned Member, Maharashtra Revenue Tribunal, Pune is taken exception to by way of the above Petition. By the said order the Revision Application filed by the Applicants i.e. the Petitioners herein against the order dated 15/01/2014 passed by the Sub Divisional Officer, Jat, District Sangli came to be dismissed.

2 This is an unfortunate case where the landlady and on her demise, now her heirs are waiting for possession for the last 58 years. It is required to be noted that the proceedings initially started before the Tahsildar on 28/03/1957 on the landlady one Smt. Hangarewa Basappa Dolli filing proceedings under Section 31 of the Bombay Tenancy and Agricultural Lands

Act, 1948 for restoration of possession. The said application was allowed by the Tahsildar by the order dated 06/02/1958 and restoration of ½ (one half) portion of the suit land was granted to her. It seems that the said order was challenged before the Sub Divisional Officer, the Maharashtra Revenue Tribunal and lastly in this Court, which challenges did not meet with any success. In fact a learned Single Judge of this Court by the order dated 09/06/1999 passed in Writ Petition No.4901 of 1984 has ordered restoration of possession to the landlady. It seems that pursuant to the said order passed by this Court, an application was again made for restoration of the possession to the Tahsildar on 02/02/2007. The same came to be allowed by the Tahsildar on 27/03/2012. The travails of the landlady or her heirs did not end there as the Applicants thereafter filed an Appeal before the Sub Divisional Officer which Appeal came to be dismissed on 15/01/2014 and thereafter the instant Revision Application has been filed against the said order passed by the Sub Division Application. The learned Member of the Maharashtra Revenue Tribunal having regard to the conspectus of facts as narrated above has dismissed the said Revision Application. Before the Maharashtra Revenue Tribunal also a new challenge was sought to be raised in respect of the order of restoration. The learned Member has observed that it is not necessary to consider any fresh issue in the proceeding of restoration when the order has already been passed as long as back in the year 1958. The Revision Application was accordingly dismissed.

3 In my view, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]