IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9591 OF 2014

Pandurang Ganpat Musale and ors. : Petitioners
versus
Smt.Valkibai @ Saraswati Shantaram Jadhav and ors. : Respondents.

Mr. D S Joshi for the Petitioners.

CORAM : R. M. SAVANT, J.
DATE : 10th March 2016

P.C.

1 The above Petition takes exception to the order dated 17/10/2013 passed by the learned President, Maharashtra Revenue Tribunal, Mumbai by which order the Revision Application filed against the order dated 16/07/2012 passed by the Sub Divisional Officer came to be dismissed.

2 The lands in question are the lands bearing survey No.94/7 and 63/7 of village Ranjad Taluka Ambernath, Dist. Thane in respect of which one Banibai Ram Jadhav was declared as tenant in Tenancy Case No.101 which was decided on 14/01/1964. In the said proceedings it was declared that Banibai Patil is the tenant purchaser and purchase price was fixed. The said purchase price was to be paid in four instalments to Maruti Gopal Musale and others who are the landlords. It seems that the said Banibai Patil in her life time did not pay the said amount and the said Banibai expired in the year

1976. It appears that one of her heirs by name Pandharinath Jadhav paid the purchase price on 12/07/2012 pursuant to the application made in that behalf which was allowed. Thereafter Sale Certificate under Section 32M of the Bombay Tenancy and Agricultural Lands Act came to be issued and the name of Banibai Rama Jadhav was shown as tenant purchaser and the names of Maruti Ganpat Musale were shown as owners. The Respondent Nos.1 to 6 i.e. the heirs of Banibai thereafter made an application for selling the property to the Respondent No.7. Upon this the Petitioners herein appeared in the said proceedings and challenged the rights of the Respondent Nos.1 to 6 to sell the property. They also challenged the order passed in favour of the said Banibai under Section 32J of the said Act. The said Appeal was filed after 48 years of the declaration issued on 14/01/1964. The Petitioners also sought to challenge the mutation which was effected in favour of the said Banibai by Mutation Entry No.785 after 22 years which was also rejected. In view of the said orders passed by the authorities under Section 32G and in RTS Appeal No.5/2012 as also considering the fact that the suit has already been filed by the Petitioners herein to assert their rights, the Maharashtra Revenue Tribunal did not deem it appropriate to interfere with the orders passed by the Sub Divisional Officer rejecting the Appeal filed by the Petitioners against the permission granted to sell the property.

3 In my view, having regard to the conspectus of facts as narrated

above no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed. Needless to state that if any proceedings are filed, the same would be decided on their own merits and in accordance with law.

[R.M.SAVANT, J]