

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

WRIT PETITION NO.8627 OF 2015

Subhash Baburao Pagare and others

.. Petitioners

Versus

Shri. Eknath Gopal Kathe and others

.. Respondents

Mr. G. H. Keluskar, for the Petitioners.

Mr. S. V. Walve, for the Respondent No.1.

CORAM : R.M. SAVANT, J.

DATE : 20th APRIL 2016

PC.

1. The writ jurisdiction of this Court is invoked against the order dated 21.11.2014 passed by the Learned Member of the Maharashtra Revenue Tribunal, Mumbai, by which order, the application filed by the Petitioner for being impleaded in the proceedings in question came to be rejected. The proceeding in question is Revision Application No.362 of 2013 which is pending between Respondent No.1 and the Respondent No.2. It seems that the entry in favour of the father of the Respondent No.2 one Rangnath Anaji Pagare was deleted sometime in the year 1984 as it was found that the Respondent No.1 herein was cultivating the land in question and Rangnath Anaji Pagare was not cultivating the land ten years prior to the said deletion. The Petitioner claims to be related to the

said Rangnath Anaji Pagare and on that basis has filed the application for impleadment. The Maharashtra Revenue Tribunal has rejected the said application on the ground that if the Petitioner is claiming any land vis-a-vis the son of the said Rangnath Anaji Pagare i.e. Madhukar Pagare, the Petitioner ought to have filed appropriate civil proceedings and not filed an application for impleadment in the proceeding in question. It is further observed by the Tribunal in so far as the proceedings under BTAL Act are concerned, it is only one person i.e. Madhukar Pagare who is concerned with the proceeding and has accordingly rejected the application filed by the Petitioner for impleadment. In my view, having regard to the reasons mentioned in the impugned order, no case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]