

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7439 OF 2015

Shri. Maruti Ganpat Badak

.....Petitioner

V/s.

Shri. Maruti Bahiru Malekar & Ors.

.....Respondents

* * * * *

Mr. K.N. Kandekar, Advocate for the petitioner.

Mr. Sandesh D. Patil, Advocate for respondents no.1 to 12 and 14.

Mr. S.D. Rairikar, AGP for respondent no.15.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

7TH JUNE, 2016.

P.C. :-

1). This petition challenges the order dated 10th August, 2014 passed by the Hon'ble Minister on Revision Petition No. RTS 34314/4965/PK.147/J-5 and for a direction to the respondent, State to enter the name of the petitioners in Form No.12 in 7/12 extracts for the land at Survey No.131 admeasuring 44R and 3R and survey no.132 admeasuring 48R as a "Wahiwatdar".

2). The revision before the Hon'ble Revenue Minister arose out of the order dated 10th September, 2013 passed by the Additional

Commissioner, Pune Division, Pune on the revision applications preferred by respondents no.1 to 14. By that order, the Additional Commissioner has held that the name of the petitioner cannot be entered in the revenue records as a sub-tenant because his right as an agricultural tenant in respect of the property in dispute is yet to be decided in the proceedings filed by him before the appropriate authorities. Unless the proceedings are decided in his favour, there cannot be change of the revenue records showing him as a tenant in respect of the property in question. This order has been confirmed by the Hon'ble Revenue Minister.

3). The petitioner does not dispute that, his right as an agricultural tenant is disputed and that he has filed proceedings for declaration of his right. In that circumstance, there is no infirmity whatsoever in the orders impugned in the petition. Hence, the petition is dismissed.

4). Mr. Kandekar, the learned Advocate appearing for the petitioner, requests for continuation of the ad-interim order. The request is rejected.