

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

WRIT PETITION No.6754 OF 2015
Suresh Govindrao @ Govindsingh More

..vs..

**State of Mah. through its Secretary, Department of revenue and Forest, Mantralaya,
Mumbai and 2 others.**

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

CORAM : A.S. CHANDURKAR, J.
DATED : 23rd JUNE, 2016.

Heard.

The challenge in the present writ petition is to the order passed by the Maharashtra Revenue Tribunal, Nagpur, in Revision Application preferred by the petitioner. The petitioner had moved an application for being declared as a tenant on behalf of one Govindsingh More. It was the case of the petitioner that since last 60 years he was in occupation of the aforesaid agricultural field and hence he was entitled to be declared as a tenant. The Tahsildar, by order dated 23.4.2012, allowed the said application and held in favour of the petitioner. This order was, however, set aside by the Sub-Divisional Officer on 29.5.2013. This order was further challenged before the Maharashtra Revenue Tribunal and the revision application preferred by the petitioner came to be dismissed. It was found by the

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Appellate Authority that the application moved by the petitioner was not in accordance with the prescribed format and therefore the same could not have been entertained. This order has been upheld by the Maharashtra Revenue Tribunal.

Shri Shukla, the learned counsel for the petitioner submitted that the Appellate Authority as well as the Maharashtra Revenue Tribunal were not justified in holding that the application was not maintainable. He submitted that no objection was raised by the respondent no. 3 in that regard. He, therefore, submitted that the appeal ought to have been decided on merits.

Shri Amle, the learned counsel for the respondent no.3 supported the impugned order. According to him, as the application for declaration of tenancy was not in the proper form, the order passed by the Tahsildar was rightly set aside by the Sub-Divisional Officer. He submitted that the petitioner had no legal right to seek aforesaid declaration.

Ms. Khan, the learned Additional Government Pleader appeared for respondent nos. 1 & 2.

I have perused the impugned order as well as the application moved by the petitioner before the Tahsildar for declaration of his tenancy right and for fixation of purchase price. It can be seen that the said application was

not in the form as prescribed by Section 7 of the Mamlatdar's Court Act, 1906. It is on this ground that the Sub-Divisional Officer and the Maharashtra Revenue Tribunal held against the petitioner. Both these Authorities were justified in holding that the application was not submitted in the proper form and hence not liable to be entertained on merits. In view of this, there is no reason to interfere with the impugned order. However, it would be open for the petitioner to file a proper application in the prescribed format for seeking the relief of being declared as a tenant and for determination of purchase price. If such an application is made by the petitioner, the same shall be decided on its own merits. The writ petition is disposed of with no order as to costs.

All pending civil applications are also disposed of.

JUDGE

Hirekhan

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