

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

WRIT PETITION NO.5147 OF 2016

**Narayan Nana Kadam
since deceased through LRs
Anandrao Narayan Kadam and ors. : Petitioners
versus
Ujjwal Laxman Jadhav : Respondent.**

**Mr. Vasant G Adsul for the Petitioner.
Mr. Umesh V Mohite for the Respondent.**

**CORAM : R. M. SAVANT, J.
DATE : 1st February 2017**

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 11/2/2016 passed by the Principal Secretary and Officer on Special Duty (Appeals and Revisions) Government of India by which order, the order dated 12/08/1994 passed by the Sub Divisional Officer came to be set aside and the matter in respect of the Respondent's entitlement for possession under Section 43-1B of the Maharashtra Tenancy and Agricultural Lands Act, 1948 came to be remanded back to the Sub Divisional Officer for a fresh consideration.

2 The learned counsel for the Petitioners questions the entitlement of the Respondent Ujjwal Jadhav for possession under Section 43-1B of the Maharashtra Tenancy and Agricultural Lands Act on the ground that the land has been transferred to the Respondent by a mutation entry. He therefore

questions the title of the Respondent to the said land.

3 It is not necessary for this Court to go into the said aspects. Since the matter is remanded back to the Sub Divisional Officer, it is before him that the said contentions can be raised by the Petitioner and it is for the Sub Divisional Officer to deal with the said contentions. Hence it is not necessary to interfere with the order of remand passed by the Maharashtra Revenue Tribunal. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]