

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

WRIT PETITION STAMP NO.25152 OF 2016

**Shri. Shankar Ramchandra Choudhari
(Since deceased through his legal heirs)
Ram Shankar Choudhari and others** **..Petitioners**

Versus

**Shri. Nivrutti Sopan Chondhe
Since deceased through legal heirs
Smt. Shewantabai Nivrutti Chondhe and others** **..Respondents**

Mr. N. P. Deshpande for the Petitioners.

**CORAM : R. M. SAVANT, J.
DATE : 5th JANUARY, 2017**

PC.

1 The order dated 13.08.2009 and the order dated 19.07.2016 passed by the Learned Member of the Maharashtra Revenue Tribunal, Pune Bench, Pune, is taken exception to by way of the above Petition. In so far as the order dated 13.08.2009 is concerned, by the said order, the Learned Member of the Maharashtra Revenue Tribunal dismissed the Revision filed by the Petitioner against the order dated 30.09.1973 passed by the Sub Divisional Officer. By the said order dated 30.09.1973, the Sub Divisional Officer had remanded the matter back to the Agricultural Lands Tribunal and Tahsildar, Mulshi for a de-novo consideration of the issue whether the tenant was entitled to a declaration of protected tenant under Section 32-G of the Bombay Tenancy & Agricultural Lands Act. The

Maharashtra Revenue Tribunal having regard to the nature of the order passed by the Sub Divisional Officer as also having regard to the fact that there is a delay of about 27 years in challenging the order passed by the Sub Divisional Officer, dismissed the Revision filed by the Petitioner. The Petitioner thereafter filed a Review being Review Application No.P/1A/C/2009 before the Maharashtra Revenue Tribunal seeking review of the order dated 13.08.2009. The said Review Application came to be dismissed on the ground that no case for review was made out. In my view, having regard to the reasons mentioned in both the orders, no case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

2 However, the ALT & Tahsildar, Mulshi, is directed to conclude the proceedings on remand expeditiously and not later than 31.07.2017.

[R.M.SAVANT, J]