

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 11703 OF 2013**

**Manakchand Chunilal Munot**

**..Petitioner**

**Vs.**

**Haribhau Namdeo Patil & Ors**

**..Respondents**

**Mr. Milind Parab i/b Milind Parab & Associates for the Petitioner**

**Mr. Rahul Thakur for the Respondent Nos.1 to 3**

**Mrs. V. S. Nimbalkar AGP for the Respondent No.8**

**CORAM : R. M. SAVANT, J.**

**DATE : 11<sup>th</sup> JANUARY, 2017**

**P.C.**

1           The Writ Jurisdiction of this Court is invoked against the order dated 8-10-2013 passed by the Learned President of the Maharashtra Revenue Tribunal, by which order the Revision Application filed by the Petitioner came to be dismissed and resultantly the order dated 14-9-2012 passed by the Sub Divisional Officer (SDO) dismissing the Appeal on the ground of delay, came to be confirmed.

2           The Petitioner claims to be the landlord of the land in question being Survey No.259/4 admeasuring 16.7 Ares situated at Village Sai, Taluka Pavel, District – Raigad. The said lands were subjected to the proceedings under Section 32G of the Bombay Tenancy and Agricultural Lands Act in the

year 1973, in view of the application made by the Respondent No.1. In the said proceedings the Agricultural Land Tribunal and Tahsildar recorded the statement of Haribhau Mokal on 27-7-1973. In so far as the notice to the landlord is concerned, it appears that the notice was issued and served, however, since the landlord was absent, notice was published on land. The said proceedings culminated in the order dated 29-9-1973 passed by the ALT and Tahsildar under Section 32G of the said Act. It seems that on the same day the tenant was called upon to pay the purchase price. The 32M certificate was issued on 4-3-1999 and it has been specifically stated therein that an amount of Rs.398.50 was paid. In so far as the Mutation Entry is concerned, the said records the name of the predecessor of the said Haribhau as being a protected tenant prior to the year 1957 and the said entry has been continued after passing of the order under Section 32G and certificate under Section 32M. However, after the certificate came to be issued and the purchase price was paid, the name of the Petitioner landlord was deleted from the other rights column in respect of the said land. Long after the order under Section 32G came to be passed on 29-9-1973 that the Petitioner as the landlord sought to challenge the said 32G order in the year 2012 by filing an Appeal before the SDO. Significantly the certificate issued under Section 32M was not challenged. Since there was a delay in filing the Appeal, the Petitioner filed an Application for condonation of delay. The condonation of delay was sought on the ground that the Petitioner became aware of the order passed under Section

32G and 32M after notice was issued to him. The reasons if any mentioned by the Petitioner in the application did not commend acceptance to the SDO. The SDO referred to the antecedent facts as have been narrated hereinabove and held that there are absolutely no reasons justifying the delay of about 38 years in filing the Appeal. The SDO accordingly by his order dated 14-9-2012 dismissed the Appeal.

3           The Petitioner carried the matter by way of a Revision before the Maharashtra Revenue Tribunal (MRT for short). The said Revision Application was numbered as Revision Application No.547 of 2012. The Learned President of the MRT went into the aspect of passing of the said order dated 29-9-1973, service effected on the landlord, the case of the Petitioner that the statement was recorded for the first time on 8-2-1985. In so far as the said aspect of recording of statement is concerned, the Learned President held that the statement recorded on 27-7-1973 belies the case of the Petitioner that the statement was recorded on 8-2-1985. The Learned President held that the statement recorded on 8-2-1985 might have been recorded in respect of some other proceeding under Section 32G. The Learned President therefore did not find any reason to interfere with the order passed by the SDO and accordingly dismissed the Appeal.

4           The Learned Counsel appearing on behalf of the Petitioner Mr.

Parab would seek to reiterate the case of the Petitioner which was urged before the SDO and the MRT.

5           In the light of the concurrent orders of the SDO and MRT, no case for interference in the Writ Jurisdiction of this Court is made out the Writ Petition is accordingly dismissed.

**[R.M.SAVANT, J]**