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

WRIT PETITION NO.14316 OF 2016

Shri Shivaji Sakharam Bhadale

..Petitioner.

Vs.

Shabbir Akbarali Jamnagarwala & Ors.

..Respondents.

Mr. V.B. Tapkir, for Petitioner.

Ms. Gauri Godse for Respondent Nos. 1 to 6.

CORAM: A.S. GADKARI. J.

DATE: 28 AUGUST 2017.

P.C.:

1] By the present petition under Article 227 of Constitution of India, petitioner has impugned the Judgment and Order dated 9.11.2016 passed by the Maharashtra Revenue Tribunal, Pune Bench, Pune in Revision Application No.P/IX/4/2014 rejecting the revision and confirming the Order dated 10.6.2014 passed by the Sub-Divisional Officer, Haveli, Pune.

2] The record indicates that by separate sale deeds executed in the period from 1983 to 1985 the ancestral lands of the petitioner were sold

to respondent Nos.1 to 6. After the said sale deeds were registered, the names of respondent Nos.1 to 6 were mutated in revenue records by various mutation entries. Petitioner thereafter filed an application dated 29.10.2010 before the Agricultural Land Tribunal, Taluka-Haveli, District-Pune for cancellation of the mutation entries namely .914, 915, 916, and 1607 on the ground that the respondents are not agriculturist and an enquiry under Section 84C of the Bombay Tenancy And Agricultural Lands Act was not conducted. The Tahasildar, Haveli by communication dated 19.5.2011 intimated the petitioner that for redressal of his grievance, he will have to prefer an appeal under the provisions of Land Revenue Code.

3] Petitioner thereafter preferred a revision application No.688 of 2011 before the Sub-Divisional Officer, Haveli, Pune for cancellation of the aforesaid mutation entries and also praying for condonation of delay in preferring the said application. The Sub Divisional Officer, Haveli, rejected the said application on the ground that there is a delay of about 25 years in preferring the said revision seeking cancellation of mutation entries. The said authority rejected the revision preferred by the petitioner challenging Mutation Entries Nos.914, 915, 916, and 1607 certified by Circle Officer, Wagholi, Taluka-Haveli, District-Pune.

The Maharashtra Revenue Tribunal, Pune Bench has turned down the revision application preferred by the petitioner by the impugned Order.

4] Heard the learned Counsel for the petitioner and the learned Counsel for the respondents and perused the entire record.

5] The Hon'ble Supreme Court in the case of Mohamad Kavi Mohamad Amin Vs. Fatmabai Ibrahim [(1997) 6 SCC 71], has held that, the enquiry under Section 84(C) of the Bombay Tenancy And Agricultural Lands Act (for short "B.T.A.L Act"), should be initiated within a reasonable time and where no time-limit is prescribed for exercise of power under a statute, it should be exercised within a reasonable time. In the present case, admittedly there is an inordinate delay of more than 25 years in filing the application for setting aside the mutation entries and for initiating the enquiry under Section 84(C) of the B.T.A.L. Act.

6] A bare perusal of the revision application No.688 of 2011 would reveal that, petitioner has not given any explanation for such an inordinate delay of more than 25 years. It further appears that the revision application was filed by the petitioner for conducting a roving enquiry who was signatory to two of sale deeds executed between the parties. Learned

Counsel for the respondents submitted that in fact petitioner is signatory to all the five sale deeds executed between the parties and hence his contention that he was not aware of other three sale deeds has no substance in it. Thus, petitioner was well aware of the execution of the sale deeds in the year 1983 to 1985 and delay at his behest in preferring the application for enquiry under Section 84C, has remained unexplained. Apart from the facts mentioned hereinabove, there is concurrent finding recorded by the both authorities below.

7] After perusing the entire record, this Court is of the view that both authorities below have not committed any error or illegality either in law or on facts while passing the impugned order.

Petition being devoid of merits, is accordingly dismissed.

(A.S. GADKARI, J.)