mnm

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7904 OF 2016

Antu Appa Rajaram (Deceased)
through his legal heir & Ors. ...Petitioners
Vs.
Balkrishna Vishwas Patil & Ors. ...Respondents

Mr. G.N. Salunke, Advocate for the Petitioners
Mr. Dundapa B. Patil, Advocate for Respondent No.1
Mrs. V.S. Nimbalkar, AGP for Respondent Nos. 2 to 5

CORAM : M.S. KARNIK, J.
DATED :27TH MARCH, 2017

P.C. :

The Petitioners who claim to be the tenants in respect of the subject agricultural land had filed an application under Section 70(B) of the Bombay Tenancy & Agricultural Land Act, 1948 (for short mentioned as "the said Act") and the same was allowed by the learned Tahasildar by an order dated 25th January, 1992. The Respondent had filed an appeal under Section 74 of the said Act before the Sub Divisional Officer (S.D.O) against the said order passed by the Tahasildar, which also came to be dismissed. Admittedly the Respondents' Revision under Section 76 of the Act against the order passed by the S.D.O is pending being Revision No.117 of 2009 before the Maharashtra Revenue Tribunal.

2. It is only upon the decision of the proceedings in Revision that the Petitioners can file an application under Section 32(O) of the Bombay Tenancy & Agricultural land Act, 1948 for purchasing the suit land. In fact in 1995 the Petitioners had filed an application under Section 32(O) of the said Act, but the same came to be disposed of as premature by an order dated 24th December, 1997 in view of the pendency of the revision before the Maharashtra Revenue Tribunal.

3. During this period some time on 2nd November, 1983 in the crop cultivation column of 7x12 extract a mutation entry was recorded in favour of the Petitioners. Pursuant to various challenges before Revenue Authorities the same culminated into passing of the impugned order by the Hon'ble Revenue Minister and by the order dated 3rd September, 2015 the appeal filed by the Respondent came to be allowed and the mutation entires in the crop cultivation column of 7x12 extract made in favour of the

Petitioners were set aside.

4. In view of the settled position of law that the mutation entries are only for fiscal purposes, I am not inclined to interfere with the impugned order more so when the tenancy proceedings before the Maharashtra Revenue Tribunal are pending.

5. The learned Counsel for the Respondents however, fairly makes a statement that the revenue entries effected pursuant to the impugned order dated 3rd September, 2015 passed by the Hon'ble Minister would not be used by the Respondents in support of their claim for possession.

6. The revenue entires are obviously subject to the outcome of the decision of the Tenancy Courts.

7. I am informed that the Revision No. 117 of 2009 is pending before the Maharashtra Revenue Tribunal since 1993. Though the scope of the present writ petition is limited to challenge to the mutation entries and the orders passed thereon, having regard to

the revision which is pending since 1993, the parties requested that an appropriate direction be issued for expeditious hearing of the revision. It is not possible for me to issue directions for expeditious disposal of the revision in these proceedings. However, having regard for the fact that the revision is pending since 1993 if either of the parties apply for expeditious hearing of the revision the Tribunal will undoubtedly consider the request for expedited hearing.

8. With these observations the Writ Petition stands rejected.

(M.S. KARNIK, J.)