

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO.189 OF 2018
(Kushalrao s/o Sukhdeorao Sable and another Vs. Ganesh Kachru
Sonawane and others)

IN
WRIT PETITION NO.9745 OF 2011

Mr.H.P.Jadhav, Advocate for the applicants.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 14/08/2018

PER COURT :

1. I have heard the learned Advocate for the applicants for quite some time. The order dated 21/06/2018 passed by this Court is sought to be reviewed.

2. Order dated 21/06/2018 delivered by this Court is purely on the basis of the law laid down by this Court in Laxman Shankar Bandgar Vs. Venkat Rama Bandgar [2015(1) Mh.L.J.408] and Mesaji Laxman Ubare Vs. Ramchandra (Dr) s/o Laxminarayan [2011(4) Mh.L.J.668] wherein it is concluded that the law laid down in Radhu Gokul Gavali Vs. Mohan Kishan Gavali [2007(6) Mh.L.J.117] imposing a limitation of 3 years on the proceedings u/s 98 of the Hyderabad Tenancy and Agricultural Lands Act, 1950, was held to be

incorrect law. The Maharashtra Revenue Tribunal (M.R.T.) has followed the law laid down in Radhu Gokul (supra), being oblivious of the view taken in Laxman Shankar (supra) and Mesaji Laxman (supra). Law laid down in Radhu Gokul (supra) was therefore not to be followed.

3. The learned M.R.T., by its judgment dated 31/03/2010, had held against this review applicant on all counts and concluded that these review applicants were in wrongful and unauthorized possession of the land. However, the M.R.T. rejected the application of the original petitioner by believing that the law laid down in Radhu Gokul (supra) imposing limitation of 3 years on Section 98 proceedings was the correct law. On this count, the impugned order dated 31/03/2010 was set aside and as such, the proceedings initiated by the original writ petitioner, were sustained and the conclusions in his favour by the M.R.T. were approved by this Court.

4. Considering the above, these review applicants cannot place reliance on Radhu Gokul (supra) and hence the order sought to be reviewed does not suffer from any error apparent on the face of the order.

5. All other contentions of the review applicants are not with regard to the order sought to be reviewed, which was restricted only to the limitation aspect as regards Section 98 of the Hyderabad Tenancy and Agricultural Lands Act, 1950.

6. This review application, being devoid of merit, is therefore, rejected.

(Ravindra V.Ghuge, J.)

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