IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT AURANGABAD

WRIT PETITION NO. 13397 OF 2018

Shankar @ Dinkar Trimbak Deshmukh … Petitioner

Versus

The State of Maharashtra & others … Respondents

Mr. P.P. Dhorde, Advocate for the Petitioner.
Mr. S.W. Munde, AGP for Respondents no. 1 to 3.

Coram : N.M. Jamdar, J.

Date : 4 December 2018.

Oral Order:

1. By this order, the petitioner has challenged the orders passed by the Sub-Divisional Officer, Bhusawal and the Maharashtra Revenue Tribunal, confirming grant of certificate under section 32M of the Bombay Tenancy and Agricultural Lands Act, 1948.

2. Learned counsel for the petitioner, relying on the decisions of the learned Single Judge of this Court in *Kashiram Mahipati Bhaskar and another Vs. Khandu Tulshiram Jadhav and*

others,[1] *Rangrao Nivritti Lad and others Vs. Vishnu Joti Thorbole and another*[2] and, *Mohan Gajanan Deshpande Vs. Dhondiram Hari Chavan and others*,[3] sought to contend that the ground of 32M certificate was not proper and there were various lacunas in the proceedings that led to grant of the certificate.

3. The certificate was issued in the year 2008. Both the authorities have noted that the proceedings under section 32G of the Act were concluded on 6 August 1974. The tenant was called upon to deposit the amount of ₹ 620/-, which was deposited in the year 1974 itself and after deposit of the amount, the certificate ought to have been issued by the Tahsildar, which was not issued in time. The non-grant of certificate in time was the fault of the authorities, who are duty bound to issue the same after deposit of the requisite amount. This factor cannot be held against the respondent-tenant. Both, the Sub-Divisional Officer and the Maharashtra Revenue Tribunal have rightly held that there was no challenge to the conclusion of section 32G proceedings and grant of certificate under section 32M of the Act is only a ministerial consequence.

1 2001(1) Mh.L.J. 867
2 2001(1) Mh.L.J. 647
3 1986 Mh.L.J. 709

4. In the circumstances, there is no error of jurisdiction in the orders passed by both the Courts. Writ petition is rejected.

N.M. Jamdar, J.