**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

***CIVIL APPELLATE JURISDICTION***

**WRIT PETITION NO. 9616 OF 2011**

**Pandharinath Bhikaji Joshi, )
(since deceased through heir), )
Shri Nandakumar Pandharinath Joshi, )
Age – 50 years, Occ : Agriculture, )
R/at – Pusegaon, Taluka Khatav, )
District – Satara ) ….. Petitioner**

**VERSUS**

**1. The State of Maharashtra )**

**2. The Additional Commissioner, )
Pune Division, Pune )**

**3. The Additional Collector, Satara )**

**4. The Tahsildar, Khatav, )
Tal. Khatav, District Satara )**

**5. Udhav Shridhar Bachal, )
(Since deceased through heirs), )**

**5A. Smt.Lilawati Udhavrao Bachal, )
Age 70 years, R/o Pusegaon, )
Tal. Khatav, District Satara )**

**5B. Sou.Sunita Nandkumar Gadekar, )
Age 53 years, Occ : Household, )
R/o. Pusegaon, Tal. Khatav, Dist. Satara )**

**5C. Sou.Vanita Pradeep Jamdar, )
Age 51 years, Occ : Household, )
R/o.Ganesh Nagar, Akluj, Dist. Solapur )**

**5D. Sou. Sangita Vijay Gadekar, )**

**Age 49 years, R/o. Shahupuri, Satara )**

**5E. Sou.Surekha Anil Malwade, )**
**Age 42 years, R/o. Dharmpuri, Wai )**

**5F. Kum.Swati Udhav Bachal, )**
**Age 36 years, R/o. Pusegaon, )**
**Tal. Khatav, District Satara )**

**5G. Kum. Gauri Udhav Bachal, )**
**Age 36 years, R/o. Pusegaon, )**
**Tal. Khatav, District Satara )**

**5H. Shri Manoj Udhav Bachal, )**
**Age 44 years, Occ. Education, )**
**R/o.Pusegaon, Tal. Khatav, District Satara) ….. Respondents**

**ALONGWITH**
**WRIT PETITION NO. 6617 OF 2016**

**1. Smt.Lilawati Udhavrao Bachal, )**
**Age 70 years, R/o Pusegaon, )**
**Tal. Khatav, District Satara )**

**2. Sou.Sunita Nandkumar Gadekar, )**
**Age 53 years, Occ : Household, )**
**R/o. Pusegaon, Tal. Khatav, District Satara)**

**3. Sou.Vanita Pradeep Jamdar, )**
**Age 51 years, Occ : Household, )**
**R/o.Ganeshnagar, Akluj, District Solapur)**

**4. Sou. Sangita Vijay Gadekar, )**
**Age 49 years, R/o. Shahupuri, Satara )**

**5. Sou.Surekha Anil Malwade, )**
**Age 42 years, R/o. Dharmpuri, Wai )**

**6. Swati Udhav Bachal, )**
**@ Swati Sadashiv Dongre, )**

**Age 36 years, R/o. Pusegaon, )**
**Tal. Khatav, District Satara )**

**7. Gauri Udhav Bachal, )**
**Age 36 years, R/o. Pusegaon, )**
**Tal. Khatav, District Satara )**

**8. Shri Manoj Udhav Bachal, )**
**Age 44 years, Occ. Education, )**
**R/o.Pusegaon, Tal. Khatav, District Satara)**

**Through Power of Attorney holder, )**
**Mr.Manoj Udhav Bachal, )**
**viz. Petitioner no.8 above ) ….. Petitioners**

**VERSUS**

**1. Pandharinath Bhikaji Joshi, )**
**(since deceased through heir), )**

**2. Shakuntala Pandharinath Joshi, )**

**3. Bhagyashree Ramesh Joglekar, )**

**4. Snehlata Vijay Kulkarni, )**

**5. Shubhangi Rajendra Kulkarni, )**

**6. Surekha Suresh Kulkarni, )**

**7. Shri Nandkumar Pandharinath Joshi, )**
**Age : 47 years, Occ : nos. 2 to 7 are )**
**residing at Pusegaon, Pin : 415 502 )**

**8. The Tahsildar, Khatav, )**
**Taluka Khatav, District Satara )**

**[Summons to be served on the Learned )**
**Government Pleader appearing for State )**
**of Maharashtra under Order XXVII, )**

**Rule 4, of the Code of Civil Procedure, )**
**1908] ) ….. Respondents**

**ALONGWITH**
**CIVIL APPLICATION NO. 167 OF 2015**
**IN**
**WRIT PETITION NO. 9616 OF 2011**

**1. Smt.Lilawati Udhavrao Bachal, )**
**Age 70 years, R/o Pusegaon, )**
**Tal. Khatav, District Satara )**

**2. Sou.Sunita Nandkumar Gadekar, )**
**Age 53 years, Occ : Household, )**
**R/o. Pusegaon, Tal. Khatav, District Satara)**

**3. Sou.Vanita Pradeep Jamdar, )**
**Age 51 years, Occ : Household, )**
**R/o.Ganeshnagar, Akluj, District Solapur)**

**4. Sou. Sangita Vijay Gadekar, )**
**Age 49 years, R/o. Shahupuri, Satara )**

**5. Sou.Surekha Anil Malwade, )**
**Age 42 years, R/o. Dharmpuri, Wai )**

**6. Kum.Swati Udhav Bachal, )**
**Age 36 years, R/o. Pusegaon, )**
**Tal. Khatav, District Satara )**

**7. Kunm. Gauri Udhav Bachal, )**
**Age 36 years, R/o. Pusegaon, )**
**Tal. Khatav, District Satara )**

**8. Shri Manoj Udhav Bachal, )**
**Age 44 years, Occ. Education, )**
**R/o.Pusegaon, Tal. Khatav, District Satara)**

**Through Power of Attorney holder, )**

**Mr.Manoj Udhav Bachal, )**
**viz. Petitioner no.8 above ) ….. Applicants**
**(Org.Respondent nos. 5A, 5B, 5C, 5D, 5E, 5F, 5G and 5H)**

**VERSUS**

**1. Pandharinath Bhikaji Joshi, )**
**(since deceased through heir), )**
**Shri Nandkumar Pandharinath Joshi, )**
**Age – 50 years, Occ : Agriculture, )**
**R/at – Pusegaon, Taluka Khatav, )**
**District – Satara ) ….. Respondent**
**(Org.Petitioner)**

**AND**

**2. The State of Maharashtra )**
**[Summons to be served on the Learned )**
**Government Pleader appearing for State )**
**of Maharashtra under Order XXVII, )**
**Rule 4, of the Code of Civil Procedure, )**
**1908] )**

**3. The Additional Commissioner, )**
**Pune Division, Pune )**
**[Summons to be served on the Learned )**
**Government Pleader appearing for State )**
**of Maharashtra under Order XXVII, )**
**Rule 4, of the Code of Civil Procedure, )**
**1908] )**

**4. The Additional Collector, Satara )**
**[Summons to be served on the Learned )**
**Government Pleader appearing for State )**
**of Maharashtra under Order XXVII, )**
**Rule 4, of the Code of Civil Procedure, )**
**1908] )**

**5. The Tahsildar, Khatav, )**
**Tal. Khatav, District Satara ) ….. Respondents**
**(Org.Respondent nos. 1, 2, 3 and 4)**

**AND**

**6. Shri Madan Shivaji Jagtap, )**
**Age : Adult, Occ : Business, )**
**Residing at : Chairman, )**
**Gaurishankar Education Society, )**
**At : Limb, Taluka Satara )**

**7. Shakuntala Pandharinath Joshi, )**

**8. Bhagyashree Ramesh Joglekar, )**

**9. Snehlata Vijay Kulkarni, )**

**10. Shubhangi Rajendra Kulkarni, )**

**11. Surekha Suresh Kulkarni, )**

**12. Kumudini Pandharinath Joshi, )**
**All through Power of Attorney )**
**Shri Nandkumar Pandharinath Joshi, )**
**Age : 47 years, Occ. Residing at Pusegaon)**
**Pin Code 415 502 )**

**13. Sulbha Santaji Jadhav, )**
**Age : 34 years, )**
**Near Petrol Pump, Phaltan Road, )**
**Pusegaon, Taluka : Khatav, District Satara)**

**14. Sunanda Madhukar Kadam, )**
**Age : 52 years, )**
**At – Jamb, Post Jakhangaon, )**
**Taluka – Khatav, District – Satara )**

**15. Umesh Chaburao Ghadage, )**
**Age : 39 years, )**
**Vitthal Nagar, Pandharpur Road, Pusegaon)**
**Taluka - Khatav, District – Satara )**

**16. Ajit Arun Chavan, )**
**Near Petrol Pump, Phaltan Road, )**
**Pusegaon, Taluka : Khatav, District Satara)**

**17. Archana Anil Ghadage, )**
**Age : 40 years, )**
**Near Bhandari Chambers, Pandharpur Road)**
**Pusegaon, Taluka-Khatav, District-Satara)**

**18. Ishwari Suresh Nalawade, )**
**Age : 25 years, )**
**Behind Jai Bhavani Traders, Vaduj Road,)**
**Pusegaon, Taluka-Khatav, District-Satara)**

**19. Uttam Bhau Pawar, )**
**Age : 43 years, )**
**At/P-Rajapur, Taluka-Khatav, District-Satara)**

**20. Usha Balbhim Bedage, )**
**Age : 55 years, )**
**Near Laxmi-Narayan Karyalaya, Pusegaon,)**
**Taluka – Khatav, District – Satara )**

**21. Krushnat Dasharath Phadtare, )**
**Age : 42 years, )**
**Shikshak Colony, Pusegaon, )**
**Taluka-Khatav, District-Satara )**

**22. Chhaya Sukdev Pawar, )**
**Age : 49 years, )**
**At/P–Vetne, Taluka–Khatav, District-Satara)**

**23. Jayashree Anil Jagtap, )**
**Age : 46 years, )**
**Near Kumbharwada, Pusegaon, )**

**Taluka-Khatav, District-Satara )**

**24. Jayesh Shahaji Jadhav, )**
**Age : 28 years, )**
**C/o.Santaji Chandrakant Jadhav, )**
**Near Petrol Pump, Phaltan Road, )**
**Pusegaon, Taluka-Khatav, District-Satara)**

**25. Jitendra Shantaram Gore, )**
**Age : 37 years, )**
**Near Laxmi-Narayan Karyalaya, Pusegaon)**
**Taluka-Khatav, District-Satara )**

**26. Tanaji Shivram Jagdale, )**
**Age : 38 years, )**
**Behind Radhakrishna Karyalaya, )**
**Pandharpur Road, Pusegaon, )**
**Taluka-Khatav, District-Satara )**

**27. Parashuram Pradlad Savant, )**
**Age : 41 years, )**
**At/P–Rajapur, Taluka-Khatav, District-Satara)**

**28. Pradeep Krushna Nalawade, )**
**Age : 48 years, )**
**At/P-Vetne, Taluka-Khatav, District-Satara)**

**29. Pravin Vasantrao Gasavi, )**
**Age : 33 years, )**
**At/P-Vetne, Taluka-Khatav, District-Satara)**

**30. Baban Yashwant Pawar, )**
**Age : 48 years, )**
**At/P-Vetne, Taluka-Khatav, District-Satara)**

**31. Lata Kiran Bhosale, )**
**Age : 37 years, )**
**Near Idea Tower, Pandharpur Road, )**
**Pusegaon, Taluka-Khatav, District-Satara)**

**32. Varsharani Ajit Chavan, )
Age : 28 years, )
Near Petrol Pump, Phaltan Road, Pusegaon,)
Taluka-Khatav, District-Satara )**

**33. Vijay Arjun Navgan, )
Age : 48 years, )
C/o. Admin Dept., MIT College of )
Engineering, Kothrud, Pune )**

**34. Vidya Sanjay Bhosale, )
Age : 37 years, )
C/o. Santaji Chandrakant Jadhav, )
Near Petrol Pump, Phaltan Road, Pusegaon,)
Taluka-Khatav, District-Satara )**

**35. Shankar Khashaba Jagdale, )
Age : 45 years, )
At/P- Rajapur, Taluka – Man, District-Satara)**

**36. Shankar Bhausaheb Matkar, )
Age : 50 years, )
Near Irrigation Compound, )
Behind Laxmi-Narayan Karyalaya, )
Pusegaon,Taluka-Khatav, District-Satara )**

**37. Salim Shamshuddin Sikalkar, )
Age : 43 years, )
Near Grampanchayat, Pusegaon, )
Taluka-Khatav, District-Satara )**

**38. Surekha Tanaji Jagdale, )
Age : 36 years, )
Behind Radhakrishna Karyalaya, )
Pandharpur Road, Pusegaon, )
Taluka-Khatav, District-Satara )**

**39. Somnath Shivaji Phadtare, )
Age : 42 years, )
At/P-Ransingwadi, Taluka-Khatav, District-Satara)**

**40. Sangeeta Shravan Sonawane, )
At : 34 years, )
Near Reliance Mobile Tower, Vaduj Road,)
Pusegaon, Taluka-Khatav, District-Satara)**

**41. Hiralal Shivaji Pawar, )
Age : 33 years, )
At/P-Rajapur, Taluka-Khatav, District-Satara)**

**42. Shri Madan Shivaji Jagtap, )
Age:Adult, Occ : Business, )
Residing at : Chairman, )
Gaurishankar Education Society, )
At : Limb, Taluka Satara ) ….. Respondents**

**ALONGWITH
CONTEMPT PETITION NO. 231 OF 2015
IN
CIVIL APPLICATION NO. 167 OF 2015
IN
WRIT PETITION NO. 9616 OF 2011**

**1. Smt.Lilawati Udhavrao Bachal, )
Age 70 years, R/o Pusegaon, )
Tal. Khatav, District Satara )**

**2. Sou.Sunita Nandkumar Gadekar, )
Age 53 years, Occ : Household, )
R/o. Pusegaon, Tal. Khatav, District Satara)**

**3. Sou.Vanita Pradeep Jamdar, )
Age 51 years, Occ : Household, )
R/o.Ganeshnagar, Akluj, District Solapur)**

**4. Sou. Sangita Vijay Gadekar, )
Age 49 years, R/o. Shahupuri, Satara )**

**5. Sou.Surekha Anil Malwade, )
Age 42 years, R/o. Dharmpuri, Wai )**

**District Satara )**

**6. Kum.Swati Udhav Bachal, )
Age 36 years, R/o. Pusegaon, )
Tal. Khatav, District Satara )**

**7. Kunm. Gauri Udhav Bachal, )
Age 36 years, R/o. Pusegaon, )
Tal. Khatav, District Satara )**

**8. Shri Manoj Udhav Bachal, )
Age 44 years, Occ. Education, )
R/o.Pusegaon, Tal. Khatav, District Satara)**

**Through Power of Attorney holder, )
Mr.Manoj Udhav Bachal, )
viz. Petitioner no.8 above ) ….. Petitioners**

**VERSUS**

**1. Pandharinath Bhikaji Joshi, )
(since deceased through heir), )
Shri Nandakumar Pandharinath Joshi, )
Age – 50 years, Occ : Agriculture, )
R/at – Pusegaon, Taluka Khatav, )
District – Satara )**

**2. Shakuntala Pandharinath Joshi, )**

**3. Bhagyashree Ramesh Joglekar, )**

**4. Snehlata Vijay Kulkarni, )**

**5. Shubhangi Rajendra Kulkarni, )**

**6. Surekha Suresh Kulkarni, )**

**7. Kumudini Pandharinath Joshi, )
All through Power of Attorney )
Shri Nandkumar Pandharinath Joshi, )**

**Age : 47 years, Occ. Residing at Pusegaon)**
**Pin Code 415 502 )**

**8. Sulbha Santaji Jadhav, )**
**Age : 34 years, )**
**Residing at Pusegaon, Pin Code 415 502 )**

**9. Sunanda Madhukar Kadam, )**
**Age : 52 years, )**
**Residing at Pusegaon, Pin Code 415 502 )**

**10. Umesh Chaburao Ghadage, )**
**Age : 39 years, )**
**Residing at Pusegaon, Pin Code 415 502 )**

**11. Ajit Arun Chavan, )**
**Age : 32 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**12. Archana Anil Ghadage, )**
**Age : 40 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**13. Ishwari Suresh Nalawade, )**
**Age : 25 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**14. Uttam Bhau Pawar, )**
**Age : 43 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**15. Usha Balbhim Bedage, )**
**Age : 55 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**16. Krushnat Dasharath Phadtare, )**
**Age : 42 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**17. Chhaya Sukdev Pawar, )**

**Age : 49 years,** )
**R/O Pusegaon, Tal.Khatav, Dist.Satara** )

**18. Jayashree Anil Jagtap,** )
**Age : 46 years,** )
**R/O Pusegaon, Tal.Khatav, Dist.Satara** )

**19. Jayesh Shahaji Jadhav,** )
**Age : 28 years,** )
**R/O Pusegaon, Tal.Khatav, Dist.Satara** )

**20. Jitendra Shantaram Gore,** )
**Age : 37 years,** )
**R/O Pusegaon, Tal.Khatav, Dist.Satara** )

**21. Tanaji Shivram Jagdale,** )
**Age : 38 years,** )
**R/O Pusegaon, Tal.Khatav, Dist.Satara** )

**22. Parashuram Pradlad Savant,** )
**Age : 41 years,** )
**R/O Pusegaon, Tal.Khatav, Dist.Satara** )

**23. Pradeep Krushna Nalawade,** )
**Age : 48 years,** )
**R/O Pusegaon, Tal.Khatav, Dist.Satara** )

**24. Pravin Vasantrao Gasavi,** )
**Age : 33 years,** )
**R/O Pusegaon, Tal.Khatav, Dist.Satara** )

**25. Baban Yashwant Pawar,** )
**Age : 48 years,** )
**R/O Pusegaon, Tal.Khatav, Dist.Satara** )

**26. Lata Kiran Bhosale,** )
**Age : 37 years,** )
**R/O Pusegaon, Tal.Khatav, Dist.Satara** )

**27. Varsharani Ajit Chavan,** )

**Age : 28 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**28. Vijay Arjun Navgan, )**
**Age : 48 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**29. Vidya Sanjay Bhosale, )**
**Age : 37 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**30. Shankar Khashaba Jagdale, )**
**Age : 45 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**31. Shankar Bhausaheb Matkar, )**
**Age : 50 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**32. Salim Shamshuddin Sikalkar, )**
**Age : 43 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**33. Surekha Tanaji Jagdale, )**
**Age : 36 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**34. Somnath Shivaji Phadtare, )**
**Age : 42 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**35. Sangeeta Shravan Sonawane, )**
**At : 34 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**36. Hiralal Shivaji Pawar, )**
**Age : 33 years, )**
**R/O Pusegaon, Tal.Khatav, Dist.Satara )**

**37. Shri Madan Shivaji Jagtap, )**

**Age:Adult, Occ : Business, )**
**Residing at : Chairman, )**
**Gaurishankar Education Society, )**
**At : Limb, Taluka Satara ) ….. Respondents**

Mr.R.V.Bansode for the Petitioner in WP/9619/2011 a/w. CAW/167/2015, for the Respondent nos. 2 to 7 in WP/6617/2016.

Mr.S.H.Kankal, A.G.P. for the State – Respondent nos. 1 to 4 in WP/9619/2011 a/w. CAW/167/2015, for the Respondent no.8 in WP/6617/2016.

Mr.S.B.Deshmukh for the Respondent no.5 in WP/9616/2011 and for the Applicants in CAW/167/2015, for the Petitioners in WP/6617/2016 and for the Petitioners in CP/231/2015.

Mr.Rupesh B.Nalavade for the Respondent nos. 13, 16 and 26 in WP/9619/2011 a/w. CAW/167/2015.

**CORAM : R.D. DHANUKA, J.**
**RESERVED ON : 17th JULY, 2018**
**PRONOUNCED ON : 24th AUGUST, 2018**

**JUDGMENT :**

By consent of parties, all the aforesaid proceedings were heard together and are being disposed of by a common order.

2. In Writ Petition No.9616 of 2011, the petitioner has impugned the order dated 12th May, 2011 passed by the learned Revenue Minister, Maharashtra State in review application filed by the respondent no.5 allowing the revision application filed by the respondent no.5. In Writ Petition No.6617 of 2016, the petitioner (respondent no.5 in Writ Petition No.9616 of 2011) has impugned the order dated 6th August,2014 passed by the learned Tahsildar, Khatav (Vaduj), District Satara thereby passing an order of re-grant.

3. In Contempt Petition No. 231 of 2015 filed by the petitioners (some of the respondents in Writ Petition No.9616 of 2011) have *inter alia* prayed for an action against the respondents therein for alleged breaches committed by the respondents of the order passed by this court in Civil Application No.167 of 2015 in Writ Petition No.9616 of 2011. Civil Application No.167 of 2015 is filed by the respondent no.5A to 5H in Writ Petition No.9616 of 2011 *inter alia* praying for an order and direction against the respondents to maintain *status-quo* in respect of the properties bearing Gat nos.466 and 493 situated at Village Pusegaon, Taluka Khatav, District Satara and for other reliefs. For the sake of convenience, the parties to these proceedings are described as per their status in Writ Petition No.9616 of 2011. Some of the relevant facts for the purpose of deciding these proceedings are as under :-

4. It is the case of the petitioners Mr.Pandharinath Bhikaji Joshi that the agricultural land bearing Gat No.466 and 493 are Patil Watan Inam C1-6 lands. Mr.Purushottam Govind Dhaigude was Watandar in respect of the said land and had handed over possession of those properties (hereinafter referred to as the suit properties) to the father of the petitioner on 18th May,1954 under Miras Patra. The said Mr.Purushottam Govind Dhaigude was the original land holder whereas the father of the petitioner Mr.Pandharinath Bhikaji Joshi was Mirashi tenant. The father of the petitioner had accepted an amount of Rs.1,000/- on 31st March,1964 and had mortgaged the suit lands for the tenure of 9 years to the original respondent no.5 i.e. Mr.Udhav Shridhar Bachal i.e. the father of the respondent nos. 5B to 5H and the husband of the respondent no.5A. The father of the petitioner had executed a Bhadepatta between them.

5. It is the case of the petitioner that it was agreed between the father of the petitioner and the father of the respondent nos. 5B to 5H and the husband of the respondent no.5A that the father of the petitioner would cultivate the land and out of that produce, he will pay Rs.50/- per year to the original respondent no.5. It was further agreed that the said tenanted land would be kept in possession of the original respondent no.5 for 9 years. It was also mentioned in the said Bhadepatta that the original respondent no.5 will not claim any tenancy rights in the suit land.

6. It is the case of the petitioner that after the abolition of Watan, Mr.Pandharinath Bhikaji Joshi paid the requisite occupancy price within the time prescribed on behalf of the Watandar Mr.Purushottam Govind Dhaigude and accordingly Mr.Purushottam Govind Dhaigude re-granted lands bearings Gat Nos. 493, 679 and 1345 of Pusegaon excluding Gat No.466 on 4th August, 1969.

7. Sometime in the year 1972, the father of the petitioner filed an application bearing no.32 of 1972 against the original respondent no.5 for various reliefs. It was decided in the said application that the original respondent no.5 was not a tenant under section 70-B of the Bombay Tenancy and Agricultural Lands Act. It is the case of the petitioner that the said decision was binding upon the respondent no.5.

8. Being aggrieved by the said decision declaring that the respondent no.5 was not a tenant under section 70-B, the writ petition (Special Civil Application No.1555 of 1976) was filed in this court. This court observed that since the respondent no.1 in that petition had entered into the possession of the suit properties through the petitioners in that proceedings, he could not challenge the title of the petitioners in that proceedings.

9. The father of the petitioner filed a Regular Civil Suit No.125 of 1974 against the original respondent no.5 for possession of the suit property. On 14th October,1988, the learned trial judge decreed the said suit filed by the father of the petitioner and directed that the original respondent no.5 herein shall handover the possession of the suit property to the father of the petitioner.

10. The respondent no.5 filed a Regular Civil Appeal No.47 of 1989 before the IVth Additional District Judge, Satara against the said decree dated 14th October, 1988. By an order and judgment dated 11th August, 1998, the learned IVth Additional District Judge dismissed the said appeal filed by the original respondent no.5. The original respondent no.5 thereafter filed 2nd appeal bearing no.491 of 1998 in this court against the said order and judgment dated 11th August,1998. This court by an order dated 8th December,1998 dismissed the second appeal filed by the original respondent no.5.

11. The father of the petitioner herein thereafter filed the execution proceedings bearing no. 36 of 1999 before the executing court. The learned Civil Judge, Junior Division, Vaduj by an order on 17th January,2000 issued possession warrant under order 21 Rule 35 of the Code of Civil Procedure. It is the case of the petitioner that pursuant to the said order dated 17th January,2000 the possession of the suit property bearing Gat No.466 and 493 was delivered to the father of the petitioner on 21st January,2000.

12. The respondent no.5 filed a writ petition bearing no.332 of 2000 impugning the said order of executing court dated 17th January,2000. By an order dated 1st August,2000 this court dismissed the said writ petition.

13. It is the case of the petitioner that on 25th July, 2002, the learned Tahsildar, Khatav, District Satara re-granted the land bearing Gat nos. 466 and 493 in the name of the petitioner herein, after the demise of the father of the petitioner in view of the provision of section 6 of the Land Re-grant Act.

14. Being aggrieved by the said order dated 25th July, 2002, the respondent nos. 5H filed an appeal bearing no.4 of 2002 before the learned Additional Collector, Satara. By an order dated 25th March,2003, the learned Additional Collector, Satara dismissed the said appeal filed by the respondent no.5H. By an order dated 20th July, 2005, the learned Additional Commissioner dismissed the revision application filed by the respondent no.5H under section 257 of the Maharashtra Land Revenue Code, 1966. The learned Revenue Minister, Maharashtra State dismissed the second revision application filed by the respondent no.5H on 5th April, 2010.

15. The respondent no.5H thereafter filed a review application before the learned Revenue Minister, State of Maharashtra instead of filing a review petition before the learned Minister for State (Revenue). It is the case of the petitioner that the said review application was not maintainable at all. The learned Revenue Minister, Maharashtra State passed an order on 12th May, 2011 allowing the said review petition filed by the respondent no.5H thereby recalling the order passed by the learned Minister for State (Revenue). Being aggrieved by the said order dated 12th May,2011, the petitioner herein filed a writ petition bearing no.9616 of 2011 which is one of the writ petition heard by this court.

16. By an order dated 23rd January,2012, this court admitted the Writ

Petition No.9616 of 2011 and granted *ad-interim* relief in favour of the petitioner which is confirmed on 27th January,2014.

17. The petitioner thereafter preferred an application for re-grant of the suit lands. By an order dated 6th August,2014 , the learned Tahsildar, Khatav passed an order of re-grant in favour of the petitioner. It is the case of the respondent nos. 5A to 5H that the said order dated 6th August,2014 passed by Naib Tahsildar Shri M.K.Bebale who was given temporary charge during that period only for the purposes of administrative work. Being aggrieved by the said order dated 6th August,2014 passed by the learned Tahsildar, the respondent nos. 5A to 5H filed a writ petition bearing no.6617 of 2016 in this court which is one of the petitions aforesaid.

18. It is the case of the respondent nos.5A to 5H that out of the suit property bearing Gat no.493 admeasuring 4 Hectors and 68 Ares land to the extent of 2 Hectors is sold by the petitioner and others in favour of Shri Madan Shivaji Jagtap an amount of Rs.10,00,000/- on 8th October,2014. The mutation entry no.11562 accordingly came to be made in respect of that portion of the land in favour of Shri Madan Shivaji Jagtap.

19. The respondent nos.5A to 5H thereafter filed a civil application bearing no.167 of 2015 in Writ Petition No.9616 of 2011 *inter alia* praying for an order and direction against the respondents therein to maintain *status quo* in respect of both the suit properties i.e. bearing Gat Nos. 466 and 493 and for injunction restraining them from creating any third party interest and part with possession thereof or to carry out any development or construction on the said property. By an order dated 21st January,2015 in the said Civil Application No. 167

of 2015, this court directed the petitioner to maintain *status quo* in respect of the property in question. The said civil application is directed to be heard along with the contempt petition filed by the respondent nos.5A to 5H.

20. It is the case of the respondent nos. 5A to 5H that the legal heirs of the original petitioner Mr.Pandharinath Bhikaji Joshi executed a sale deed on 23rd January,2015 in favour of the respondent nos. 8 to 23 to the contempt petition inspite of the order of *status quo* passed by this court on 21st January,2015 in respect of Gat no.493 admeasuring 4 Hectors and 68 Ares for a consideration of Rs.19,25,000/-. The respondent nos. 5A to 5H thus filed a contempt petition bearing no.231 of 2015 *inter alia* praying for an action against the petitioner herein alleging the contempt of order dated 21st January,2015 under the provisions of Contempt of Courts Act, 1971.

21. The petitioner filed an additional affidavit in Writ Petition No.9616 of 2011 on 2nd May, 2015 stating that the petitioners have cancelled the sale deed dated 23rd January,2015 of Gat No.493 to the extent of admeasuring 38.37 R executed in favour of 16 persons and have re-purchased the suit property from those 16 persons. The petitioner also cancelled the sale deed dated 12th February,2015 of Gat No.493 to the extent of area admeasuring 57 R executed in favour of the 26 persons and re-purchased the said property from those 26 persons. The petitioner also tendered the conditional apology in the said affidavit dated 2nd May, 2015 for executing a sale deed inspite of the order dated *status quo* alleging that the said sale deed were executed due to his mental ill health and without showing any disrespect to the orders passed by this court. The petitioner also prayed for liberty to withdraw Writ Petition No.9616 of 2011 and to dispose of the Contempt Petition No.213 of 2015 by accepting unconditional apology tendered

by the petitioner.

22. Mr.R.V.Bansode, learned counsel for the petitioner i.e. Mr.Nandkumar Pandharinath Joshi submits that after demise of the father of the petitioner, the land bearing Gat nos. 466 and 493 were re-granted in favour of the petitioner by the learned Tahsildar, Taluka Khatav in view of the provisions of section 6 of the Land Re-grant Act as these lands were Patel Vatan Inam-Class – 6B category land as the father of the petitioner had taken those lands on 18th May,1954 by way of virasat tenancy rights and had declared the petitioner as Vatandar and cultivated those agricultural land by an order dated 25th July, 2002.

23. The respondent no.5H had impugned the said order dated 25th July, 2002 passed by the learned Tahsildar by filing an appeal which was dismissed by the learned Additional Collector. He submits that the revision application filed by the respondent no.5H was also dismissed by the learned Additional Commissioner. The learned Minister for State (Revenue) also dismissed the second revision application filed by the respondent no.5H and confirmed the order dated 20th July, 2005 passed by the learned Additional Commissioner. It is submitted that even if any review application could be filed by the respondent no.5 against the said order dated 5th April,2010 passed by the learned Minister for State (Revenue), the said review application could be filed only before the said Minister for State (Revenue) and not before the learned Revenue Minister, Mantralaya who was a cabinet Minister. The Revenue Minister thus could not have passed any order on the said review application which was not maintainable before the said Revenue Minister. He submits that the review petition was even otherwise barred by limitation and could not have been entertained by the learned Revenue Minister. He submits that the remedy, if any, of the respondent no.5H against the said order of learned

Minister for State (Revenue) could be by way of writ petition in this court and not by way of review application before the Revenue Minister, State of Maharashtra.

24. It is submitted by the learned counsel that the Revenue Minister has allowed the said review petition illegally and without having jurisdiction and remanded the matter back to the learned Tahsildar though the matter was already concluded right upto this court in Writ Petition No.333 of 2000 and Second Appeal No.491 of 1998 filed by the original respondent no.5 dismissing the said writ petition as well as the second appeal. He submits that the learned Revenue Minister even otherwise could not have passed any order on the said review application contrary to and ignoring the order passed by this court in Writ Petition No.333 of 2000 and Second Appeal No.491 of 1998.

25. It is submitted that the learned Assistant Collector, Satara by his order dated 30th December,1986 had remanded the matter back to the Tahsildar Khatav to decide the question under section 4(1) by passing a regular order to that effect and then to re-grant the lands under the relevant provisions of the Maharashtra Revenue Patels (Abolition of Office) Act, 1962. The learned Tahsildar had passed an order on 25th July, 2002 and had declared the petitioner as Vatandar and cultivators of the land bearing Gat nos. 466 and 493. The said order was confirmed by the learned Additional Collector, Satara by order dated 25th March,2003 by dismissing the appeal filed by the respondent no.5. The second revision application filed by the respondent no.5 was also dismissed by the learned State Revenue Minister.

26. It is submitted by the learned counsel for the petitioner that during the pendency of the Writ Petition No.9616 of 2011 filed by the petitioner, the learned

Tahsildar already passed a fresh order on 6th August,2014 after hearing both the parties in favour of the petitioner which is impugned by the respondent no.5 in Writ Petition No.6617 of 2016. The petitioner is opposing the said Writ Petition No.6617 of 2016 challenging the correctness of the said order dated 6th August,2014. He submits that the said order dated 6th August,2014 is passed by the learned Tahsildar after giving an opportunity to both the sides.

27. Mr.Deshmukh, learned counsel for the respondent nos. 5A to 5H on the other hand invited my attention to some of the annexures to the writ petition filed by the petitioner i.e. Writ Petition No.9616 of 2011 and also to the Writ Petition No.6617 of 2016 filed by his client and also tendered a compilation of documents.

28. It is submitted by the learned counsel that in view of the fact that the learned revisional authority had remanded the matter back to the learned Tahsildar to decide the matter afresh and the learned Tahsildar already having decided the said proceedings afresh by an order dated 6th August,2014, the Writ Petition No.9616 of 2011 filed by the petitioner has become infructuous. It is submitted that the order passed by the learned Revisional Authority remanding the matter back to the learned Tahsildar was stayed by this court in Writ Petition No.9616 of 2011 and thus the learned Tahsildar could not have passed any order of re-grant in favour of the petitioner. The matter was subjudice before this court and thus the learned Tahsildar ought to have restrained himself and ought not to have passed any order so as to frustrate the defence raised by his client in Writ Petition No.9616 of 2011.

29. It is submitted by the learned counsel that Mr.Pandharinath Bhikaji

Joshi, the father of the petitioner had executed a lease deed which was duly registered thereby giving on lease the land bearing Gat Nos. 466 and 493 for 9 years. The name of Mr.Udhav Shridhar Bachal was also mutated in the revenue record. He submits that the Application No.23 of 1977 which was filed by the said Mr.Pandharinath Bhikaji Joshi was dismissed by an order dated 31st August,1981 which was not challenged by him thereafter, insofar as Gat no.466 is concerned. The said order of dismissal of the revision application insofar as Gat no.466 is concerned, has attained finality and thus the petitioner could not have even otherwise claimed any right in respect of the said land.

30. It is submitted that the petitioner is claiming his alleged right solely on the basis of the Mirashi deed. The authority had directed that the said Mirashi deed shall be looked into from the point of view as to whether the said deed was violating the provisions of Bombay Hereditary Offices Act, 1874 before deciding the issue as to whom the said land bearing Gat no.493 was alloted. Those orders issuing such directions have not been admittedly challenged by the petitioner and had attained finality. Those directions were required to be implemented. He submits that under section 4(I) (d) of the Maharashtra Revenue Patels (Abolition of Office) Act, 1962, the Tahsildar was required to decide these points. He submits that since the directions issued by the authority became final in view of the father of the petitioner not having challenged those directions, the learned Minister was right in recalling the order passed by the learned Revenue Minister and thus no fault can be found with the said order.

31. Insofar as the reliance placed by the learned counsel for the petitioner on various orders of civil court and this court in second appeal are concerned, it is submitted by the learned counsel that those orders are of no consequences insofar

as issue under the provisions of Maharashtra Revenue Patels (Abolition of Office) Act, 1962 is concerned. He submits that in none of those civil proceedings, there was any issue as to whom the land should be re-granted. The orders passed by this court and also the civil court thus would be of no assistance to the petitioner.

32. Learned counsel for the respondent nos.5A to 5H placed reliance on the order dated 20th April,2015 passed by the learned Tahsildar, Khatav and would submit that a temporary charge was handed over to Shri M.K.Bebale, the Naib Tahsildar during the period between 27th April,2014 and 8th August,2014 only for the administrative purpose. The learned Naib Tahsildar thus could not have passed an order of re-grant in favour of the petitioner. The said order itself was without jurisdiction.

33. Insofar as maintainability of the review petition before the learned Revenue Minister by the respondent nos. 5A to 5H is concerned, learned counsel for the respondent nos. 5A to 5H submits that the power of review under section 257 of the Maharashtra Land Revenue Code given to the State Government includes even the Revenue Minister and thus the power exercised by such Revenue Minister was within the parameter of law and was not without jurisdiction as canvassed by the petitioner. It is submitted by the learned counsel that the learned Tahsildar could not have included the land bearing Gat No.466 while passing an order of re-grant in favour of the petitioner since the land was not within the scope of the enquiry pursuant to the order of remand. The learned Tahsildar has acted beyond the jurisdiction insofar as plot of land bearing Gat No.466 is concerned. Learned counsel for the respondent nos. 5A to 5H does not dispute that the power of collector have been delegated to learned Tahsildar under section 4 of the Maharashtra Revenue Patels (Abolition of Office) Act, 1962.

34. It is submitted by the learned counsel for the respondent nos.5-A to 5-H that the finding rendered by the learned Tahsildar upon remand is contrary to the directions given by the learned Additional Commissioner. There is no discussion on the document Mirus Patra in the impugned order. It is submitted that the learned Tahsildar on remand included both the plots of land for the purpose of re-grant without issuing any notice of hearing to his clients on that issue.

35. Insofar the contempt petition filed by the respondent nos.5-A to 5-H is concerned, Mr.Deshmukh, learned counsel appearing for the respondent nos.5-A to 5-H (petitioners in the said contempt petition) submits that after filing of the contempt petition by his client, the petitioners have cancelled those sale-deeds which were executed in violation of the order of *status-quo* granted by this Court in the civil application filed by his client and has re-purchased those lands from the purchasers under those sale-deeds. He submits that this Court may pass appropriate order in the contempt petition.

36. Mr.Kankal, learned A.G.P. for the respondent nos.1 to 4 in Writ Petition No.9616 of 2011 and for the respondent nos.4 in Writ Petition No.6617 f 2016 supported the findings rendered by the learned Tahsildar in Writ Petition No.9616 of 2011 and the findings rendered by the learned Revenue Minister which is the subject matter of Writ Petition No.9616 of 2011.

37. Mr.Bansode, learned counsel appearing for the petitioner in Writ Petition No.9616 of 2011 and for the respondent nos.2 to 7 in Writ Petition No.6617 of 2016 in reply to the submission of Mr.Deshmukh in Writ Petition No.9616 of 2011 filed by the petitioner and in support of the Writ Petition No.6617 of 2016 submits that the said Cabinet Revenue Minister had already heard the

second revision application filed by the respondent nos.5-A to 5-H and after hearing both the parties had rejected the said second revision application filed by the respondent nos.5-A to 5-H. Learned Revenue Minister thus could not have recalled the order passed by the State Revenue Minister. He submits that under section 258 of the Maharashtra Land Revenue Code, the Revenue Minister does not sit in an appeal over the order passed by the State Revenue Minister, who was his predecessor in the said office and had rejected the second revision application filed by the respondent nos.5-A to 5-H.

38. Insofar as the issue raised by the learned counsel for the respondent nos. 5-A to 5-H that the order passed by the authority in respect of the land bearing gat no.466 had attained finality is concerned, the learned counsel for the petitioners placed reliance on the judgment dated 10th October, 1980 delivered by this Court in Special Civil Application No.5155 of 1976 filed by the father of the petitioners against the predecessor of the respondent nos.5-A to 5-H, the petition was filed challenging the validity of the order dated 19th August, 1976 passed by the Maharashtra Revenue Tribunal, Pune.

39. It is submitted that this Court in the said judgment had categorically held that there were certain disputes between the members of Vatandar family and the disputes went to the Civil Court. In the civil litigation, it was agreed that the father of the petitioner herein should be recognized as a permanent tenant in respect of the land in dispute. The land in disputes were the lands bearing gat nos.493 and 466. This Court held that it was not open for the predecessor of the respondent nos.5-A to 5-H or for the Maharashtra Revenue Tribunal to challenge the title of the petitioner. The predecessor of the respondent nos.5-A to 5-H had entered into possession of the suit lands under an agreement executed with the

father of the petitioner and thus it would not be open for the predecessor of the respondent nos.5-A to 5-H to challenge the title of the father of the petitioner.

40. This Court also held that the question whether creation of rights in favour of the petitioner by the original Vatandar was valid or otherwise cannot be agitated at the instance of the predecessor of the respondent nos.5-A to 5-H. This Court has set aside the order passed by the Maharashtra Revenue Tribunal thereby setting aside the findings rendered by the two authorities and allowed the special civil application filed by the father of the petitioner by setting aside the order passed by the Maharashtra Revenue Tribunal and the *ex-parte* order dated 29th August, 1975 passed by the learned Sub-Divisional Officer.

41. It is submitted by the learned counsel for the petitioner that the predecessor of the respondent nos.5-A to 5-H did not challenge the said order passed by this Court and the said order was in force when the learned Collector passed an order subsequently. He vehemently contended that the learned Tahsildar was thus fully empowered to pass an order of re-grant also in respect of the land bearing gat no.466.

42. It is submitted by the learned counsel that both the parties had filed the written arguments. Learned Tahsildar upon remand gave full opportunity to both the parties and have rendered various findings of fact. He submits that the respondent nos. 5-A to 5-H could not have challenged the order of the learned Tahsildar directly before this Court in the Writ Petition No.6617 of 2016 without exhausting the remedy available to them.

43. Insofar as the submission of the learned counsel for the respondent

nos. 5-A to 5-H that the learned Naib Tashildar could not have passed the order on the ground that he was only given a temporary charge for a period of 10 days is concerned, it is submitted by the learned counsel for the petitioners that both the parties had already filed the written arguments before the learned Tahsildar. Hearing was already concluded before the learned Tahsildar. The impugned order is passed by the learned Tahsildar himself and not by the Naib Tahsildar as sought to be canvassed by the learned counsel for the respondent nos.5-A to 5-H. The order is not passed by the Naib Tahsildar during the period when the Tahsildar was out of town for few days.

44. It is submitted by the learned counsel that the suit filed by the petitioner was decreed. The appeal filed by the predecessor of the respondent nos. 5-A to 5-H came to be dismissed. The second appeal filed by the respondent nos. 5-A to 5-H also came to be dismissed. The Executing Court had passed an order of possession in favour of the petitioner. The writ petition filed arising out of the said order of the Executing Court also came to be dismissed.

45. Insofar as the contempt petition filed by the respondent nos. 5-A to 5-H is concerned, it is submitted by the learned counsel that since the petitioner has already purged the alleged contempt and has tendered an unconditional apology, the said contempt petition shall be dismissed by this Court. Insofar as the Civil Application No.167of 2015 filed by the respondent nos. 5-A to 5-H is concerned, it is submitted that the said civil application will become infructuous in view of this Court having heard the writ petition itself finally.

***<u>REASONS AND CONCLUSIONS :-</u>***

46. The petitioners have impugned the order dated 12th May 2011 passed by the learned Revenue Minister, Maharashtra State in review application

filed by the respondent no.5. The first question that arises for consideration of this Court is whether the learned Revenue Minister, Maharashtra State who was the superior in rank could have reviewed the order passed by the learned Minister for State (Revenue), Mantralaya in review application filed in the second revision application filed by the respondent no.5 under Section 257 of the Maharashtra Land Revenue Code, 1966.

47. It is not in dispute that against the order of 25th July 2002 passed by the learned Tahsildar, Khatav, Taluka Satara re-granting the land bearing Gat Nos.466 and 493 in the name of the petitioners, the respondent no.5H had filed an appeal before the learned Additional Collector, Satara. The said appeal was dismissed by the learned Additional Collector on 25th March 2003. The revision application filed by the respondent no.5H came to be dismissed by the learned Additional Commissioner by an order dated 20th July 2005. The respondent no.5H thereafter filed a second revision application under Section 257 of the Maharashtra Land Revenue Code, 1966 before the Minister for State (Revenue), Mantralaya. The learned Minister for State (Revenue) dismissed the said second revision application filed by the respondent no.5H on 5th April 2010.

48. The respondent no.5H thereafter filed a review application before the learned Revenue Minister, Maharashtra State. It is not in dispute that the learned Revenue Minister, Maharashtra State recalled the order of the learned Minister for State (Revenue), Mantralaya in the review petition filed by the respondent no.5H. In my view, the review petition itself was not maintainable before the learned Revenue Minister, Maharashtra State in view of the fact that the impugned order was passed by the the learned Revenue Minister, Maharashtra State. The order of review could be passed only by the Minister who had passed the earlier order or

not by another Minister having superior in rank.

49. In my view, the learned Revenue Minister, Maharashtra State does not sit in an appeal over the order passed by the learned Minister for State (Revenue), Mantralaya. I am not inclined to accept the submission of the learned counsel for the respondent nos.5A to 5H that the learned Revenue Minister, Maharashtra State could have exercised such powers of review under Section 257 of the Maharashtra Land Revenue Code, 1966 which powers are vested with the State Government or that such power would include the powers of the learned Minister for State (Revenue), Mantralaya. The entire order passed by the learned Revenue Minister, Maharashtra State recalling the order passed by the learned Minister for State (Revenue), Mantralaya was without jurisdiction.

50. Be that as it may, the said order passed by the learned Revenue Minister, Maharashtra State thereby recalling the order passed by the learned Minister for State (Revenue), Mantralaya was stayed by this Court during the dependency of this petition. The learned Tahsildar, Khatav passed a fresh order of re-grant on 6th August 2014 in favour of the petitioners which is separately impugned by the respondent nos.5A to 5H by filing a separate Writ Petition bearing No.6617 of 2016. In view of this subsequent development, in my view, the Writ Petition No.9616 of 2011 filed by the petitioners has become infructuous. Be that as it may, this Court has heard both the writ petitions i.e. Writ Petition Nos.9616 of 2011 and 6617 of 2016 together and has considered the facts in both the matters while delivering this judgment.

51. The respondent no.5H had challenged the second order passed by the learned Tahsildar, Khatav on the ground that in view of pendency of Writ Petition

No.9616 of 2011 in this Court granting stay to the order passed by the learned Revenue Minister, Maharashtra State and since the matter was subjudiced before this Court, the learned Tahsildar could not have passed a fresh order so as to make the defence of the respondent nos.5A to 5H in Writ Petition No.9616 of 2011 infructuous.

52. In my view, there is no merit in this submission of the learned counsel for the respondent nos.5A to 5H. Since the order passed by the Revenue Minister, Maharashtra State was without jurisdiction, this Court granted interim stay to the order passed by the Revenue Minister, Maharashtra State. The parties thereafter participated before the learned Tahsildar who passed a fresh order of re-grant in favour of the petitioners. In my view, the respondent nos.5A to 5H thus cannot be allowed to urge that the learned Tahsildar could not have passed a fresh order during the pendency of the Writ Petition No.9616 of 2011 though this Court had granted stay to the order passed by the learned Revenue Minister, Maharashtra State which was obtained by the respondent nos.5A to 5H.

53. It is not in dispute that the respondent nos.5A to 5H did not challenge the interim relief granted by this Court thereby staying the operation of the order passed by the learned Revenue Minister, Maharashtra State and thus cannot be allowed to urge that the learned Tahsildar could not have passed any order during the pendency of this petition though the impugned order passed by the learned Revenue Minister, Maharashtra State came to be stayed by this Court. Be that as it may, both the parties had participated before the learned Tahsildar during the pendency of the Writ Petition No.9616 of 2011 and thus the respondent nos.5A to 5H cannot be allowed to urge that the order passed by the learned Tahsildar was illegal having been decided during the pendency of the Writ

Petition No.9616 of 2011.

54. In so far as the submission of the learned counsel for the respondent nos.5A to 5H that the order dated 31st August 1981 passed by the Revenue Authority in the Revision Application No.23 of 1977 filed by Mr.Pandharinath Bhikaji Joshi has attained finality and consequently, the petitioners could not even otherwise claimed rights in respect of the land bearing Gat No.466 is concerned, learned counsel for the respondent nos.5A to 5H could not dispute before this Court that in the earlier round of litigation between the parties i.e. Regular Civil Suit No.125 of 1974 filed by father of the petitioners against the original respondent no.5 for possession of the suit property, the learned Trial Judge has decreed the said suit on 14th October 1988 and had directed the original respondent no.5 to hand over possession of the suit property to the father of the petitioners.

55. The regular civil suit and the second appeal filed by the original respondent no.5 came to be dismissed on 14th October 1988 and 11th August 1988 respectively. In the execution proceedings bearing 36 of 1999 filed by the father of the petitioners before the executing Court, a possession warrant to execute the decree came to be issued by the learned Civil Judge, Junior Division, Vaduj by an order dated 17th January 2000. The said possession warrant was in respect of the land bearing Gat Nos.466 and 493. The possession of both the properties was delivered to the father of the petitioners on 21st January 2000. This Court dismissed the writ petition filed by the original respondent no.5 by an order dated 1st August 2000.

56. In the Special Civil Application No.5155 of 1976 filed by the father

of the petitioners before this Court against the pre-decessor of the respondent nos.5A to 5H challenging the legality and validity of the order dated 19th August 1976 passed by the Maharashtra Revenue Tribunal, Pune, this Court has rendered a finding that there were certain disputes between the members of Watandars' families and the said disputes were before the Civil Court. It was held in those proceedings that father of the petitioners should be recognized as a permanent tenant in respect of the land in dispute i.e. the land bearing Gat Nos.493 and 466. This Court has held that it was not open for the pre-decessor of the respondent nos.5A to 5H or for the Revenue Tribunal to challenge the title of the petitioners.

57. It was further held that the pre-decessor of the respondent nos.5A to 5H had entered the possession of the suit lands under an agreement executed with the father of the petitioners and thus it was not open for the pre-decessor of the respondent nos.5A to 5H to challenge the title of the father of the petitioners. This Court has held that question whether the creation of rights in favour of the petitioners by the original Watandar was valid or otherwise cannot be agitated at the instance of the pre-decessor of the respondent nos.5A to 5H. This Court was pleased to set aside the order passed by the Maharashtra Revenue Tribunal thereby setting aside the findings rendered by the two authorities and allowed the said Special Civil Application filed by the father of the petitioners.

58. In my view, the order passed by this Court in the Special Civil Application rendering various findings in favour of the father of the petitioners regarding rights in both the properties bearing Gat Nos.493 and 466 having been not impugned, there is no merit in the submission of the learned counsel for the respondent nos.5A to 5H that the proceedings before the revenue authority in

respect of the land bearing Gat No.466 has attained finality and thus no order of re-grant could be passed by the learned Tahsildar in respect of that properties.

59. In view of the findings rendered by this Court in the said Special Civil Application, the respondent nos.5A to 5H or their pre-decessor could not have even agitated the issue regarding the title of pre-decessor of the petitioners in respect of the lands bearing Gat Nos.493 and 466 itself before the learned Tahsildar or even before the other authorities.

60. Mr.Deshmukh, learned counsel for the respondent nos.5A to 5H could not dispute that the order passed in special civil application filed by father of the petitioners has not been impugned by the original respondent no.5 at any point of time. In my view, the learned Tahsildar was bound to give effect to the earlier findings of facts rendered in various orders passed by the authorities as well as by this Court in favour of the petitioners in respect of the lands bearing Gat Nos.4993 and 466 in favour of the petitioners which is rightly considered by the learned Tahsildar in favour of the petitioners. I do not find any infirmity with the impugned order passed by the learned Tahsildar, Khatav in favour of the petitioners.

61. In so far as the submission of the learned counsel for the respondent nos.5A to 5H that the impugned order was passed by Naib Tahsildar and the said order was without jurisdiction is concerned, a perusal of the record indicates that the learned Tahsildar who was empowered to decide the said proceedings himself had heard the matter and had passed the impugned order. The learned Naib Tahsildar had not passed any such order as canvassed by the learned counsel for the respondent nos.5A to 5H. Learned counsel for the respondent nos.5A to

5H did not dispute that hearing was already concluded before the learned Tahsildar prior to the period when the said Tahsildar was on leave and temporary charge was given to the Naib Tahsildar.

62. In so far as the submission of the learned counsel for the respondent nos.5A to 5H that the learned Tahsildar did not render any finding or did not discuss the document 'Miruspatra' in the impugned order is concerned, in my view, there is no merit in the submission of the learned counsel for the respondent nos.5A to 5H. The impugned order passed by the learned Tahsildar is detail reasoned order and has discussed and dealt with all the issues raised by both the parties in the impugned order.

63. In so far as the Contempt Petition No.231 of 2015 filed by the respondent nos.5A to 5H alleging breach of the status-quo order passed by this Court in Civil Application No.167 of 2015 is concerned, it is not in dispute that the petitioners have already purged the contempt by cancelling the sale deed in favour of various parties and have re-purchased the property during the pendency of the contempt petition. I have perused the explanation recorded in the affidavit-in-reply filed by the petitioners in the Contempt Petition No.231 of 2015. I am inclined to accept the said explanation recorded in the affidavit-in-reply filed by the petitioners in the contempt petition in support of his submission that violation of status-quo order passed by this Court was not deliberate or intentional. This Court does not propose to take any action against the petitioners as prayed by the respondent nos.5A to 5H in Writ Petition No.9616 of 2011 and the petitioners in Contempt Petition No.231 of 2015.

64. In so far as the Civil Application No.167 of 2015 is concerned, since the Writ Petition No.9616 of 2011 and other connected proceedings are being disposed of, the said civil application does not survive.

65. I do not find any infirmity in the impugned order passed by the

learned Tahsildar, Khatav, Vaduj, District Satara on 6th August 2014 passing an order of re-grant in favour of the petitioners. The said order does not warrant any interference by this Court. In my view, there is no merit in the Writ Petition No.6617 of 2016 filed by the respondent nos.5A to 5H who are the petitioners in the said writ petition.

66. I therefore pass the following order :-

(i) Writ Petition No.6617 of 2016 is dismissed. The order dated 6th August 2014 passed by the learned Tahsildar, Khatav, Vaduj, District Satara is upheld.

(ii) Writ Petition No.9616 of 2011 is dismissed as infructuous. Rule is discharged in Writ Petition No.9616 of 2011.

(iii) Contempt Petition No.231 of 2015 is dismissed. In view of dismissal of the contempt petition, Civil Application No.167 of 2015 does not survive and is accordingly disposed of.

(iv) There shall be no order as to costs.

***(R.D. DHANUKA, J.)***

67. At this stage, Mr.Deshmukh, learned counsel appearing for the respondent nos. 5A to 5H applies for continuation of the interim order granted by this court on 21st January,2015 in Civil Application No.167 of 2015 to enable his clients to file a Special Leave Petition for impugning the judgment delivered by this court today. Application is vehemently opposed by Mr.Bansode, learned counsel for the original petitioner in Writ Petition No.9616 of 2011.

68. *Ad-interim* relief granted by this court on 21st January,2015 to continue for a period of six weeks from today.

***(R.D. DHANUKA, J.)***