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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 3125 OF 2016**

Jagannath Tatoba Shinde
(Decd) through LR

.....Petitioner

V/s.

Tukaram Shivaji Shinde and others

.....Respondents

Mr. A. M. Kulkarni a/w Ms. Akanksha Helaskar for the petitioner
Mr. Sunil G. Karandikar for respondent nos. 1 to 3

CORAM : NITIN W. SAMBRE, J.

DATE : 16th OCTOBER, 2018.

P.C.

This petition is by legal heirs of one Jagannath Shinde who on 21/01/1965 became owner of the suit property by virtue of provisions of 32G of Maharashtra Tenancy and Agricultural Lands Act, 1956. Father of the present petitioners namely Jagannath transferred the property in favour of respondent nos. 4 to 6 on 18/07/1974 and respondent nos. 4 to 6 thereafter transferred the same in favour of respondent nos. 1 to 3 vide respective Sale Deeds

dated 18/07/1974 and 11/05/2015.

2 Respondent nos. 3 to 6, pursuant to provisions of Section 84 (C) of the said Act, sought post-facto permission of the authorities under the Act after the Sale Deed was executed, for the purpose of regularising the sale of the land, which appears to be allowed on 07/05/2015. In further proceedings, the said permission granted by Tahsildar was reversed against the interest of the petitioner. As such, this petition.

3 Heard Shri. Kulkarni, learned counsel for the petitioner at length. In response to the Court's query on the issue of locus, he would try to impress upon the Court by submitting that pursuant to the notice issued by the Tahsildar while conducting an enquiry as contemplated under section 84 (C) of the Act, he has appeared in the matter and as such, he has every locus.

4 If the said contentions are appreciated and the case of the petitioner for the sake of convenience if accepted as it is, still the fact

remains that the petitioner cannot claim any right in the property as a consequence of refusal of permission to regularize the Sale, or transfer the property may at the most result in vesting the title in respondent nos. 3 to 6 and not in the petitioner. That being so, I hardly notice any illegality which warrants exercise of powers in extraordinary jurisdiction. Petition fails, dismissed.

[NITIN W. SAMBRE, J.]