

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.749 OF 1998

Gablu Arjun Talawade & Anr.	.. Petitioners
Vs.	
Jaywant Dhondu Khape & Anr.	.. Respondents

Mr.Prafulla B. Shah for the petitioners.
Mr.Bhushan Walimbe for the respondent no.1.
Mr.Chetan G. Patil for the respondent nos.2A to 2E.
Mr.S.S. Kulkarni a/w Mr.Priyal G. Sarda for the applicant in CA No.2664 of 2014 (Intervenors).
Mr.Kishor S. Patil for the applicant in CA (St.) No.28287 of 2015 (Intervenors).

CORAM : R.D. DHANUKA, J.
DATE : 5th October 2018

P.C.:

. Heard learned counsel for the parties at great length.

2. There is no dispute between the parties that the provisions of the Maharashtra Tenancy and Agricultural Lands Act, 1948 were not applicable to the land in question. It is also not in dispute between the parties that the provisions of the Bombay Inferior Village Watans Abolition Act, 1958 were applicable to the land in question.

3. The order passed by the Kul Vahivat Avval Karkun on 24th July 1993, the order passed by the learned Sub-Divisional Officer, Pune on 5th March 1991 and the order passed by the Maharashtra Revenue Tribunal, Pune-1 on 15th April 1997 also having invoked the provisions

of the Maharashtra Tenancy and Agricultural Lands Act, 1948 are accordingly set aside.

4. A perusal of the record indicates that the petitioner and the respondent no.1 had filed consent terms before this Court on 27th March 2014. By an order dated 27th March 2014 passed by Shri Justice Ranjit More, this writ petition came to be disposed of.

5. By an order dated 20th July 2015 passed by this Court in Civil Application No.1772 of 2014 filed by Smt.Baidabai Raghu Khape & Ors., the order dated 27th March 2015 passed by this Court in Writ Petition No.749 of 1998 as well as Civil Application No.940 of 2014 came to be recalled. This Court along with interlocutory proceedings came to be restored to file.

6. In view of the fact that the consent terms as well as the order passed thereon has already been recalled by this Court, the consequences of the steps take by the parties based on the said consent terms can be considered in the appropriate proceedings. Rule is made absolute in aforesaid terms. In view of the disposal of writ petition, pending civil applications do not survive and are accordingly disposed of. If any proceedings filed by any of the parties before any of the authorities or before any Court, all contentions of all the parties on merits are kept open. No order as to costs.

R.D. DHANUKA, J.

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