

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO.1230 OF 2017

IN

WRIT PETITION NO.5553 OF 2014 (D)

(RAM BABURAO BABAR...VS.. STATE OF MAHARASHTRA & OTH..)

WITH

MISC. CIVIL APPLICATION NO.1232 OF 2017

IN

WRIT PETITION NO.5554 OF 2014 (D)

(SHANKAR AMRUT DALVI...VS.. STATE OF MAHARASHTRA & OTH..)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.N. Patil, Advocate for Applicant/Petitioner.
Ms H.N.Prabhu, A.G.P. for Respondent No.1.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 17, 2018.

Heard.

2. The original petitioners seek review of the common judgment passed by this Court in Writ Petition No.5553 of 2014 and Writ Petition No.5554 of 2014, on 28th February, 2017 by which the writ petitions filed by them are disposed.

3. In the writ petitions, the petitioners had challenged the order passed by the Maharashtra Revenue Tribunal by which the appeal filed by the respondent/landlord was allowed and the orders passed by the Sub-Divisional Officer and the Tenancy Tahsildar under Section 49-A of the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (hereinafter referred to as "the Tenancy Act, 1958") were set aside.

4. The submission on behalf of the applicants/petitioners is that this Court has not examined that the petitioners are entitled for conferral of statutory ownership as per Section 49-A of the Tenancy Act, 1958 and because of non-consideration of this relevant aspect, the judgment is required to be recalled and the petitions have to be considered on merits again.

5. In paragraph No.5 of the judgment, this Court has considered the point which is now raised by the applicants/petitioners and has held that the Sub-Divisional Officer while considering the application under Section 120(c) of the Tenancy Act, 1958 could not have referred the matter under Section 49-A of the Act of 1958 to the Tenancy Tahsildar. It is recorded by this Court that the learned advocate for the original petitioners had not pointed out any provision which enables the Sub-Divisional Officer to undertake the exercise of referring the matter to Tenancy Tahsildar under Section 49-A of the Act of 1958, while considering the summary proceedings under Section 120(c) of the Act of 1958.

6. Thus, I find that this Court has considered the point which is raised by this review application. I do not find that there is any error apparent on the face of the record which necessitates exercise of review jurisdiction.

The Miscellaneous Civil Application is **dismissed**.

No costs.

C.A.O.No.1485/2017 & C.A.O.NO.1487/2017

In view of disposal of the Miscellaneous Civil Applications, these applications praying for amendment of the said Misc.Civil Applications do not survive, hence, both the civil applications are disposed.

JUDGE

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