

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8846 OF 2016

WITH

INTERIM APPLICATION NO. 1 OF 2019

(FOR RESTORATION)

IN

CIVIL APPLICATION NO. 906 OF 2019

AND

CIVIL APPLICATION NO. 907 OF 2019

AND

CIVIL APPLICATION NO. 906 OF 2019

IN

WRIT PETITION NO. 8846 OF 2016

ALONGWITH

WRIT PETITION NO. 12256 OF 2016

WITH

CIVIL APPLICATION NO. 909 OF 2019

AND

CIVIL APPLICATION NO. 910 OF 2019

1) Dadu Lakula Patil (since
deceased through Legal Heirs)

....*Petitioners*

: *Versus* :

1. Jagdevrao Ishwarrao Nimbalkar
(since deceased through Legal Heirs)
1(a) Smt. Shailajadevi Jagdevrao Nimbalkar
and Ors.

....*Respondents*

Mr. S.G. Karandikar i/by. Mr. S.M. Railkar, for the Petitioners.

Dr. Uday P. Warunjikar with Mr. Dattaram R. Bile i/by. P.R. Rathod, for the Respondent Nos.1(a) to 1(e)(ii).

Mrs. M.S. Shrivastava, AGP for Respondent No.2-State.

CORAM : SANDEEP V. MARNE, J.

Date : 24 January 2025.

P.C. :

1) These petitions challenge the orders dated 3 May 2016 passed by the Maharashtra Revenue Tribunal, Pune Bench, Pune rejecting the Revision Application preferred by the Petitioners and confirming the order dated 30 March 2016 passed by the Sub-Divisional Officer, Kolhapur. The SDO in turn rejected the Appeals preferred by the Petitioner and confirmed the order dated 25 February 1963 passed by the Tehsildar and Agricultural Lands Tribunal under the provisions of Section 32G and 32P of the Maharashtra Tenancy and Agricultural Lands Act on 25 February 1963.

2) I have heard Karandikar, the learned counsel appearing for the Petitioners and Dr. Warunjikar, the learned counsel appearing for the contesting Respondents.

3) It appears that the forefathers of the Petitioners were tenants in respect of the agricultural land in question. The Tehsildar and ALT noticed that Petitioners' forefathers were cultivating the lands as tenants and were entitled to purchase the same by completing the formalities under the provisions of Section 32G of the Act. Accordingly, the Tehsildar and ALT issued notices to the concerned parties including the tenants (*Petitioners' forefathers*). Upon receipt of notice, Petitioners forefathers (*tenants*) appeared before the Tehsildar and ALT and gave a

statement on oath that they were not interested in purchasing the tenanted lands. On account of such statement given by the Petitioners' forefathers (*tenants*) showing disinclination to purchase the land, the Tehsildar and ALT was left with no other alternative but to pass order dated 25 February 1963 observing that the tenants were not interested in purchasing the tenanted lands and dropped the proceedings under the provisions of Section 32G of the Act.

4) It appears that on the same day i.e. 25 February 1963, separate proceedings under the provisions of Section 32P of the Act were conducted and the tenanted lands were returned to the landlords. According to Mr. Karandikar, it is highly improbable that the proceedings under Sections 32G and 32P can be conducted and concluded back to back on the same day and accordingly raises a doubt about genuineness of orders passed in both the proceedings. In my view, what is sought to be raised by the Petitioners is a mere surmise of irregularity in the proceedings conducted by Tehsildar and ALT under Section 32P of the Act. So far as Petitioners are concerned, what is relevant for them are only the proceedings under Section 32G of the Act. Upon dropping of proceedings under Section 32G of the Act, the right of the tenant gets extinguished and he remains no longer interested in participating in the proceedings under Section 32P in that sense. Therefore, even if it is assumed hypothetically that there was any error on the part of the Tehsildar and ALT in hurriedly conducting proceedings under Section 32P of the Act on the same day i.e. on 25 February 1963, the alleged error in the said proceedings would not enure to the benefit of the Petitioners. In my view, there was absolutely no merit in the Appeals preferred by the Petitioners before the SDO. Apart from complete absence of merits, the Appeals were preferred after passage of 38 long years. In my view, therefore the SDO has rightly rejected both the Appeals by passing two separate orders dated

25 February 1963 under Sections 32G and 32P of the Act. The Maharashtra Revenue Tribunal has rightly rejected the Revision Applications preferred by the Petitioners. I do not see any palpable error in the orders passed by the SDO and MRT for this Court to exercise its extra-ordinary jurisdiction under Article 227 of the Constitution of India. Both the Petitions are devoid of merits and the same are **dismissed** without any order as to costs. Rule in both the petitions is discharged.

5) With dismissal of the main petitions, all the pending Interim/Civil Application also stand disposed of.

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[SANDEEP V. MARNE, J.]