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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8990 OF 2015**

Shir. Dilip Gopalrao Kadam

.....Petitioner

V/s.

Shri. Vyankatrao Pandurang Mane
and others

.....Respondents

Mr. Jaydeep Deo for the Petitioner
Mr. C. D. Mali AGP for the State
None for respondents**CORAM : NITIN W. SAMBRE, J.****DATE : JULY 10, 2019.****P.C.**

Heard the learned counsel for the petitioner and the learned
AGP. None for respondents.

2 The subject matter of the proceedings in question is land
bearing Gat No. 15 admeasuring 4 Hectar 94 R situated at village
Shirur.

3 According to the petitioner, since he was in need of money, he entered into an Agreement of Sale on 04/10/1980 with the respondent for a total consideration of Rs. 12,500/-.

4 The land in question was granted by the State Government in favour of the petitioner who was a landless person. As there was necessity to have permission under the provisions of Maharashtra Tenancy and Agricultural Lands Act, 1948 ('the Act' for short) as such permission was rejected. The petitioner was constrained to file Special Civil Suit No. 242/1987 which was decreed in his favour on 15/03/1993. Respondent-defendants to the said suit remained unsuccessful upto this Court in Second Appeal.

5 During the aforesaid proceedings, particularly when the Second Appeal was pending before this Court, on 27/12/1999, an order of forfeiture of the land to the Government came to be passed by the Sub-Divisional Officer ('SDO' for short), Mawal. It is informed that respondent-defendants who remained in possession of the property in question objected to the said order before the

Maharashtra Revenue Tribunal, however, the moment they came to know about the knowledge of the said proceedings to the petitioner, had withdrawn the same.

6 It is the case of the petitioner that the order of assessment passed by the Sub-Divisional Officer was questioned by him before Maharashtra Revenue Tribunal ('MRT' for short) accompanied with an application for condonation of delay. In the application for condonation for delay, petitioner narrated all the aforesaid incidents and claimed that the moment he got the knowledge about the proceedings in question as the order of resumption of land was never served on him, the delay was caused. By the order impugned passed by the MRT on 11/06/2015, prayer for condonation of delay came to be rejected though in finding based on the record by the SDO, non service of order of resumption of land on the petitioner are recorded.

7 In the aforesaid background, the submissions are:

(a) There is no delay caused in preferring a Revision questioning the order of resumption;

(b) Even if there is delay, there is sufficient cause.

8 The learned AGP supported the order as according to him, the prayer for condonation of delay is rightly rejected as the petitioner has entered into the sale of the land which was allotted to him being landless person and admittedly has transferred the same in favour of respondent that too without obtaining permission under the provisions of the Act.

9 Having considered the submissions, what is required to be noticed is MRT upon perusal of the record and proceedings of the SDO wherein an order of resumption of land was passed has recorded a finding of fact that order of resumption was never served on the petitioner.

10 In the aforesaid background, the petitioner in his Appeal before

the Revenue Tribunal has in categorical terms had come out with pleadings that he had no knowledge about the order of resumption passed on 27/12/1999. According to him, it came to his knowledge of such order, on 03/08/2001 when he applied for grant of certified copy. *Prima facie* there appears to be no delay as the petitioner has established that the order of resumption was never served on him and accordingly, MRT recorded a finding of fact in favour of petitioner to that effect.

11 Though the delay condonation proceedings remained pending before MRT for almost period of 15 years for no justifiable reasons, prayer for condonation of delay came to be rejected.

12 In the aforesaid background, it will be appropriate in my opinion to quash and set aside the order impugned passed by the MRT.

13 The impugned order passed by the MRT dated 11/06/2015 is hereby quashed and set aside. MRT is directed to decide the

proceedings taken out by the petitioner, questioning the order of reservation of the land, in accordance with law as expeditiously as possible as the proceedings are pending before it for last more than 18 years.

14 Writ petition stands disposed of.

[NITIN W. SAMBRE, J.]