Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITIOIN NO. 9645 OF 2014

Shri Govind Dhaktya Vayeda ..**Petitioner**
Vs
Shri Anupchand Nemichand Karnavat & Ors. ..**Respondents**

Mr. Sanjiv Sawant I/b S.M. Suryawanshi for the Petitioner.
Mr. Mihir Desai I/b S.P.Sariputta for the Respondent Nos.1 and 2.
Mr. M. Bhandari I/b M.M. Deshmukh I/b Respondent Nos.4 and 5.

CORAM : A.S.GADKARI, J.
DATE : 11th June 2019.

P.C.:

1] Heard the learned counsel for the respective parties. Perused the record annexed to the petition.

2] By the present petition under Article 227 of Constitution of India, the petitioners have taken exception to the Judgment and Order dated 8th August 2014 passed by the learned Member, Maharashtra Revenue Tribunal, Mumbai in Appeal No.TRB/THN/13 of 2014 and Appeal No.TRB/THN/14 of 2014. By the impugned Judgment and Order, the applications for condonation of delay in both the appeals are rejected by the Revenue Tribunal and as a consequence thereof, both the appeals preferred by the petitioner are also dismissed on the ground that, those being barred by limitation.

3] The petitioner had preferred applications before the Tahasildar, Dahanu for restoration of lands bearing Survey Nos.180/1, 180/2, 103/2 and 103/3 lying and situate at village Ganjad, Taluka Dahanu, District Thane, under Section 3 of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974.

The Tahasildar, Dahanu by its Orders dated 30.6.1980 was pleased to restore the land bearing Survey No.180/1 admeasuring 3.21 ares in favour of the petitioner, however, rejected his claim for restoration of lands bearing Survey Nos. 180/2, 103/2 and 103/3 from the said village.

The petitioner therefore filed revisions No.Ten/6/T.C./2010 and Ten/10/T.C./2010 before the Additional Collector, Thane at Jawhar. The Additional Collector, Jawhar by its Orders dated 13th March 2012 was pleased to reject both the appeals and confirmed the orders passed by the Tahasildar, Dahanu.

In Revision Applications bearing Nos.TNC/REV/314/M/2012 and TNC/REV/315/M/2012 preferred by the petitioner against the rejection of the appeals by the Additional Collector, at Jawhar, the learned

President of Maharashtra Revenue Tribunal while dismissing both the appeals held that, the Collector ought not have exercised powers of Revision as those are vested with the Divisional Commissioner and dismissed both the appeals.

4] The petitioner therefore preferred Appeals bearing Nos. TRB/THN/13 of 2014 and Appeal No.TRB/THN/14 of 2014 before the Maharashtra Revenue Tribunal, Mumbai impugning the Orders passed by the Tahasildar,Dahanu. As there was a delay of about 34 years, the Revenue Tribunal rejected applications for condonation of delay and as a consequence thereof was further pleased to dismissed both the appeals being barred by limitation by its impugned Order dated 8th August 2014.

5] Though the petitioner has contended before the Tribunal that, a period of 30 years ha*s been guaranteed for restoration of land under the Restoration of Lands Act, a minute perusal of the entire record would indicate that, no case for condonation of aforsaid colossal and inordinate delay at all has been made out by the petitioner. Even otherwise the entitlement of the petitioner for restoration of land bearing Survey No.180/1 lying and situate at village Ganjad, Taluka Dahanu, District Thane has been accepted by the Tahasildar after scrutinizing the entire evidence available on record.

6] After taking into consideration the entire material available on record, this Court is of the considered view that, the Maharashtra Revenue Tribunal has not committed any error either in law or on facts while passing the impugned Order dated 8th August 2014.

The present petition being devoid of merits, is accordingly rejected.

(A.S.GADKARI, J.)