

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

WRIT PETITION NO.4362 OF 2017

Shri.Rakesh Babanrao Boharade ..Petitioner
V/s.
Shri.Navnath Hender Ture & Ors. ..Respondents

Mr.S.S. Deshmukh for the Petitioner.

Mr.Sandesh D. Patil a/w Ms.Anusha P. Amin for Respondent No.1.

Mr.A.R. Metkari, AGP for Respondent NO.8-State.

CORAM : C.V. BHADANG, J.

DATE : 23rd JANUARY 2020

P.C.

1. The challenge in this petition is to the judgment and order dated 30th June 2012 passed by the Maharashtra Revenue Tribunal, Mumbai ('MRT' for short) in Tenancy Revision No.399/B/2010.

2. In this case the Agricultural Lands Tribunal ('ALT' for short) passed an order under Section 32G of the Bombay Tenancy and Agricultural Land Act ('Act' for shot) in January 1965. According to the petitioner the said order was passed on 26th January 1965 which being a National Holiday, the petitioner claims that the order

is a nullity. Be that as it may the said order was given effect to somewhere in the year 1988 and a Mutation Entry No.821 was recorded in favour of the respondents on 02nd June 2008.

3. The petitioner sought to challenge the order of the ALT after a period of 44 years before the Sub Divisional Officer ('SDO' for short), Thane in Tenancy Appeal No.SR-3/2010. The learned SDO by an order dated 07th May 2010 has dismissed the appeal on the ground of limitation. The petitioner challenged the same before the MRT in Revision Application which has been dismissed on 30th June 2012, which is subject matter of challenge in the present petition.

4. On hearing the learned counsel for the petitioner I do not find that a any case for interference is made out. The order dated 07th May 2010 passed by the SDO shows that the order of the ALT was passed on 28th January 1965. A copy of the order of the ALT is not produced on record. Thus, it is not possible to ascertain the date on which the said order is passed. Even otherwise the contention that the said order having been passed on the National Holiday, is nullity, cannot be accepted. There is gross delay on the part of the petitioner in approaching the SDO. That apart even the

present petition challenging the order passed by the MRT is filed in the year 2017 when the impugned order is passed by the MRT on 30th June 2012. Thus, even the present petition suffers from the vice of gross delay and latches.

5. The petition is without any merit and it is accordingly dismissed, with no order as to costs.

**Nilam
Kamble**

Digitally signed
by Nilam Kamble
Date: 2020.01.24
23:52:14 +0530

C.V. BHADANG, J.