

Anand

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

WRIT PETITION NO. 14255 OF 2017

Lalasaheb Jagannath Ghadge .Petitioner

Vs.

The State of Maharashtra & ors. .Respondents

WITH

**CIVIL APPLICATION NO. 1187 OF 2019
IN
WRIT PETITION NO. 14255 OF 2017**

Maharashtra State Farming Corporation Ltd. .Applicant

IN THE MATTER OF

Lalasaheb Jagannath Ghadge .Petitioner

Vs.

The State of Maharashtra & ors. .Respondents

Mr. Amit A. Karande, Advocate, for the Petitioner
Mr. A. B. Kadam, AGP, for the Respondent No. 1 – State
Mr. S. P. Thorat, Advocate, for the Respondent No. 7

CORAM : REVATI MOHITE DERE, J.

DATE : 21.01.2020

P. C.

. Heard learned counsel for the parties.

2. By this Petition, the Petitioner has impugned the order

dated 14.09.2017 passed by the learned Ad-hoc Additional District Judge – 1, Malshiras, District – Solapur in Misc. Civil Appeal No. 9 of 2015, only to the extent, it directs the Petitioner to deposit Rs. 10,000/- per year per acre, towards rent of suit lands, in the office of the Defendant Nos. 2 & 3 from January, 2015, till such time the Defendants are put in possession of the suit lands. By the said order, the Petitioner was also directed to deposit arrears of rent on or before 30.09.2017.

3. Learned counsel for the Petitioner submits that the said condition is onerous, harsh and unreasonable. He submits that the learned Judge has not given any reason or finding for increasing the amount from Rs. 4,000/- per year per acre to Rs. 10,000/- per year per acre. He submits that the rent in the Agreement, pursuant to which the Petitioner was put in possession of the agricultural land i. e. 8 acres in 2002, was Rs. 4,000/- per year per acre. He submits that the impugned order to the extent that it directs the Petitioner to deposit an amount of Rs. 10,000/- per year per acre be quashed & set aside.

4. Learned counsel for the Respondents opposes the Petition. He submits that no interference is warranted in the impugned order. He submits that undisputedly the rent agreement expired in December, 2014. According to the learned counsel for the Respondents, the Petitioner is sitting on the said suit land without paying any rent to the

Respondent Nos. 2 & 3.

5. Perused the papers. The Petitioner (Original Plaintiff) has filed a suit for perpetual injunction restraining the Respondents (Original Defendants) from accepting tenders and restraining them from dispossessing them from the suit land, in the Court of the learned C. J. S. D., Malshiras, District – Solapur. In the said suit, the Petitioner filed an Application (Exh. 5) which was decided in favour of the Petitioner, as it appears that there was standing crop of sugar cane on the suit land and on the premise, that the Petitioner would suffer irreparable loss, if an order of injunction was not granted. Being aggrieved by the said order passed below Exh. 5 dated 05.01.2015, the Respondent Nos. 2 & 3 filed Misc. Civil Appeal No. 9 of 2015 in the Court of the learned Ad-hoc Additional District Judge – 1, Malshiras, District – Solapur. The learned Judge after hearing the parties, passed the following order.

“O R D E R

(i) Appeal is dismissed, however, the order passed by trial Court is modified as under :

(a) Plaintiff is hereby directed to deposit amount Rs. 10,000/- (in words Ten thousand Rs. Only) per year and per acre towards rent of suit lands in the office of defendant No. 2 and 3 from January 2015 until defendants are put in possession of suit lands.

(b) Plaintiff is directed to deposit arrears of amount on or before 30.09.2017.”

6. Although the Respondent Nos. 2 & 3's Appeal was dismissed, the trial Court's order was modified as reproduced hereinabove i. e. clauses (a) & (b). It is not in dispute that the period of rent agreement has expired in December, 2014 and since 2014, the Petitioner has not paid any rent to the Respondent Nos. 2 & 3. The land in possession of the Petitioner is about 14 acres. In this background, the learned Judge deemed it fit to direct the Petitioner to pay an amount of Rs. 10,000/- per year per acre to the Respondent Nos. 2 & 3 towards rent of the suit lands, till such time the Respondent Nos. 2 & 3 are put in possession of the suit land. No infirmity can be found in the impugned order dated 14.09.2017 passed by the learned Ad-hoc Additional District Judge – 1, Malshiras, District – Solapur warranting interference in writ jurisdiction.

7. At this stage, learned counsel for the Petitioner states that he will deposit the amount as directed by the Appellate Court within six weeks from today. Statement accepted. Having regard to the peculiar facts of this case, the hearing of the suit expedited. The learned Judge to decide the suit as expeditiously as possible and in any event within 12 months from the date of receipt of this order. Needless to state that the Respondent Nos. 2 & 3 are at liberty to take appropriate steps before the

trial Court in the event the order of deposit passed today is not complied with.

8. Accordingly, the Petition is dismissed on the aforesaid terms.

9. In view of disposal of the Petition, the Civil Application No. 1187 of 2019 does not survive and the same stands disposed of accordingly.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)