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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7190 OF 2019**

Janka Babu Waghmare and Ors. Petitioners.
V/s
Sudhakar Ramkrushna Jadhav and Ors. Respondents.

Mr. Surel S. Shah for the Petitioners.
Mr. R.D. Soni i/b Ram & Co. for Respondent Nos. 1 to 12.
Mr. C.D. Mali, AGP for Respondent Nos.14 and 15.

CORAM: NITIN W. SAMBRE, J.

DATE: JULY 27, 2022

P.C.:-

1] Counsel for Respondent Nos. 1 to 12 has moved this Court for speaking to the minutes of the order dated 5th July, 2022.

2] Prayer is made that in paragraph 1 of the said order “Section 32-P” be substituted by “Section 73” as the proceedings were initiated under Section 73 of the MTAL Act.

3] Prayer granted. Necessary correction be carried out in the said order dated 5th July, 2022 in para 1.

4] It is further pointed out that in the said order, contention of the respondents viz “provisions of Section 29 of the MATL Act has no

application to the proceedings under 32P” and the observation of this Court thereon to the effect that “said issue be decided on its own merits”, though dictated has remained to be recorded in the said order. It is therefore prayed that said contention and observation be included in the said order.

5] Prayer granted.

6] Accordingly in the said order following sub-para is added after para 9(b).

Section 29 of the Act provides for remedy to the tenant in the matter of possession. Section 32P makes the sale in favour of the tenant ineffective if he fails to pay purchase price and the powers are given to Government to resume the land and dispose of the same. As far as aforesaid two provisions are concerned, this Court expects the Sub-Divisional Officer to deal with its impact while deciding claim of Respondent Nos. 1 to 12 under Section 73 of the Act.

7] Above sub-para is directed to be inserted in the said order dated 5th July, 2022 after para 9(b).

(NITIN W. SAMBRE, J.)