

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

WRIT PETITION NO.1362 OF 2022

Santosh Maruti Nijapkar

..Petitioner

Versus

Aditya Amit Nilawar and Anr.

..Respondents

Mr. Satyajeet P. Dighe, for the Petitioner.

Mr. A. P. Vanarase, AGP for the Respondent No.2.

CORAM : NITIN W. SAMBRE, J.

DATE : 14th JUNE, 2022

P.C.

1. The petitioner, who claims to be at the age of 45 on the date of filing of petition i.e. 21st September, 2021 has approached the Maharashtra Revenue Tribunal alleging that he being legal heir of deceased Malu Chambhar/ Nijapkar has interest in the property in relation to which proceedings under Section 32G and 32M Bombay Tenancy and Agricultural Lands Act, 1948 (for short "BTAL Act") were concluded in favour of one Genu Hari Chambhar way back in 1997.

2. Contention of counsel for the petitioner Mr. Satyajeet Dighe is, Genu Chambhar and Malu Chambhar were real brothers. Genu Chamber initiated proceedings under BTAL Act for issuance of certificate under Section

32G and 32M without joining Malu Chambhar as a party and as such, above certificates are not binding on the petitioner.

3. As far as the aforesaid contentions are concerned, once it can be inferred from the record that on the date of issuance of certificate under Section 32G and 32M of the BTAL Act, petitioner was major and his predecessor-in-interest of Malu Chambhar or father of the petitioner Maruti were surviving who had not raised any objection, the Tribunal in my opinion, was justified in rejecting proceedings for reopening of 32G and 32M certificate on the ground of delay and laches. Aforesaid proceedings were taken out before the Tribunal after a period of twenty years without there being any explanation. That being so, no case for interference is made out.

4. The petition as such fails, dismissed.

[NITIN W. SAMBRE, J.]