

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 1974 OF 2022**

Kailas Vaman Gaikwad

... Petitioner

V/s.

Tahsildar Daund & Ors.

... Respondents

Mr. Sujay S. Palshikar for Petitioner.

Mr. P.V. Nelson Rajan, A.G.P. for State.

CORAM : A.S. GADKARI, J.**DATE : 6th May 2022.****PC. :**

1. Record clearly indicates that, while rejecting the appeal preferred by the Petitioner bearing Tenancy Appeal No. 11 of 2016, the Sub-Divisional Officer, Daund-Purandar Sub-Division, Purandar, District Pune, has specifically observed in un-numbered para No.2 that, it fail to decipher under which provision of law the First Authority, i.e.Tahsildar, Daund, has disposed of the application filed by the Petitioner under Section 32G of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (for short, "M.T.A.L. Act") and despite the said fact the Sub-Divisional Officer proceeded to reject the said appeal. It further appears that, the learned Member of M.R.T., Pune has upheld the Order of the Sub-Divisional Officer i.e. Respondent No.2 herein.

A bare perusal of impugned Order dated 13th April 2016 clearly

indicates that, the same was passed casually and without recording any lawful reason for rejecting the said application filed by the Petitioner.

In view thereof, the Orders dated 13th April 2016 passed by Respondent No.1, 21st August 2018 passed by Respondent No.2 and 1st October 2021 passed by the M.R.T., Pune are hereby set-aside and the Application No.5 of 2014 filed by the Petitioner under Section 32G of the M.T.A.L. Act is restored to the file of Respondent No.1.

2. Respondent No.1 is directed to hear the Petitioner and all necessary parties thereof and pass a reasoned Order, as per the provisions of law.

3. Petition is allowed in the aforesaid terms.

[A.S. GADKARI, J.]

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