

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.232 OF 2021

Tulsabai Govindrao Dhawak and others

Vs.

Shri Gramsewa Mandal Trust, Ladegaon through its Punch and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. H. B. Bargat, Advocate for petitioners.

Mr. S. R. Deshpande, Advocate for respondent nos.1 to 7.

Mrs. M. A. Barabde, AGP for respondent nos.8 and 9.

CORAM : AVINASH G. GHAROTE, J.

DATE : 04/08/2022

1. Heard Mr. Bargat, learned counsel for the petitioners and Mr. Deshpande, learned counsel for the respondent nos.1 to 7 and Mrs. Barabde, learned AGP for respondent nos.8 and 9.

2. The petition challenges the order dated 14.3.2018 passed by the learned Sub-Divisional Officer/respondent no.8 and so also the judgment dated 25.2.2020 passed by the Maharashtra Revenue Tribunal/respondent no.9 in Tenancy Revision.

3. By the order dated 14.3.2018, learned Sub-Divisional Officer has granted the application under Section 129 of the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (hereinafter referred

as “the Tenancy Act of 1958”) whereby the agricultural land held by the respondent no.1-trust, has been exempted from the provisions of the Ceiling Act. That order has been affirmed by the Maharashtra Revenue Tribunal by his judgment dated 25.2.2020.

4. The only contention of Mr. Bargat, learned counsel for the petitioners is that before passing the order dated 14.3.2018, the petitioners were required to be heard, as they are in actual physical possession of the property in question, which is the land of Gut No.256 (old Survey No.96, admeasuring 12.44 Hectare, situated at village Ladegaon, Tq. Karanga (Lad), District Washim).

5. A perusal of Section 129 of the Tenancy Act of 1958 indicates, that the lands which are the property of the trust formed for the purposes as indicated in Section 129(b) therein are entitled for exemption from the provisions of the Tenancy Act of 1958. The enquiry in that regard is clearly summary in nature and related to the ownership of the trust and the aims and objects of the trust and the purpose for which the income of such lands is appropriated. The entire provision, does not indicate the participation of any third party whatsoever, in spite of which, the order dated 14.3.2018 clearly indicates that the present petitioners were arrayed as opposite parties in the said application and were also

heard, whereupon the order of exemption has been passed.

6. That being the position, opportunity of hearing though not warranted has already been afforded and as such, I do not see any reason to interfere in the impugned order and judgment. No other point is argued.

7. The writ petition therefore dismissed. No costs.

JUDGE

Sarkate