

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

Letters Patent Appeal No.562/2010
in
Writ Petition No.774/2000 (D)

1. Babulal Ganpatrao Runwal.
2. ~~Uttamrao Ganpatrao Runwal.~~ (Dead)
3. ~~Suresh Ganpatrao Runwal.~~ (Dead)
4. Lakhan Ganpatrao Runwal.
All appellants Aged Major, Occ-Agriculturist,
R/o. Aasoli, Tq. Kinwat, District Nanded.

L.Rs. of appellant no.2.

(Amendment carried out as per Court's order dated 13-12-2021)

- i) Chandabai wd/o Uttamrao Runwal,
aged about 57 years, Occ.-Agriculturist,
- ii) Varsha d/o Uttamrao Runwal,
aged about 40 years, Occ.-Agriculturist,
- iii) Akash s/o Uttamrao Runwal,
aged about 32 years, Occ.-Agriculturist,
All R/o Vishwakarma Jewelry Arts,
Ram Mandir, Ghatanji, Tq. Ghatanji, Dist. Yavatmal.

L.Rs. of appellant no.3.

(Amendment carried out as per Court's order dated 13-12-2021)

- i) Tarabai wd/o Suresh Runwal,
aged about 42 years, occ.-Agriculturist,
- ii) Avinash s/o Suresh Runwal,
aged about 27 years, occ.-Agriculturist,
- iii) Shrikant s/o Suresh Runwal,
aged about 22 years, occ.-Agriculturist,
- iv) Rani d/o Suresh Runwal,
aged about 19 years, occ.-Agriculturist,
- v) Mona d/o Suresh Runwal,
aged about 18 years, occ.-Agriculturist.

All R/o Asoli, Tq. Mahur, Dist. Nanded.

.... Appellants.

- Versus -

1. Ukanda Bajirao Lonkar (Deleted as per Court's order dated 02-09-2021)
2. Vitthal Ukanda Lonkar,
3. Dnyaneshwar Ukanda Lonkar.
4. Namdeo Ukanda Lonkar,
5. Vishnu Ukanda Lonkar,
6. Sanjay Ukanda Lonkar,

All appellants aged Major,
Occ.-Agriculturist, R/o.-Talni (Bhambhora),
Tq. Arni, District Yavatmal.

7. The Member, MRT, Nagpur. Respondents.

Mr. S.P. Palshikar and Mr. N.S. Warulkar, Advocates for appellants.
Mr. P.R. Karekar and Mr.R.D. Narkhede, Advocates for resp. nos. 2 to 6.

**CORAM : A.S. CHANDURKAR &
PUSHPA V. GANEDIWALA, JJ.
DATE : 04-01-2022.**

ORAL JUDGMENT (Per : A.S. Chandurkar, J.)

The challenge raised in this Letters Patent Appeal is to the judgment of learned Single Judge dated 12-08-2010 in Writ Petition No.774 of 2000. By the said judgment, the Writ Petition preferred by the present appellants for challenging the order passed by the Maharashtra Revenue Tribunal in proceedings under Section 111 of the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (for short, 'the said Act') has been dismissed.

2. The brief facts are that it is the case of the appellants herein that they preferred proceedings under Section 120 of the said Act seeking summary eviction of the respondent nos. 1 to 6 from field Survey No.81, admeasuring about 25.34 acres. According to them, the predecessor Ganpat was the tenant of the land that was owned by one Tikamdas. The occupation of Ganpat was as a tenant. On 09-06-1965, Tikamdas sold the said land to Ganpat and on the same day Ganpat sold the aforesaid land to Ukanda Lonkar. The Sub-Divisional Officer vide order dated 08-10-1998 allowed the application filed under Section 120 of the said Act and directed possession to be handed over to the appellants. The revision application preferred by the respondent nos. 1 to 6 was then allowed by the Maharashtra Revenue Tribunal by holding that Ganpat had privately purchased the land in question from Tikamdas and that the said Sale Deed had been validated by the Tahsildar on 25-11-1968. Since Ganpat had paid penalty of Re. 1 as per the order passed under Section 122 (2) of the said Act, the provisions of Section 57 of the said Act were not attracted. On that count, the order passed by the Sub-Divisional Officer was set aside. The learned Single Judge has affirmed the aforesaid order.

3. Mr. Warulkar, learned Counsel for the appellants submits that the fact that the purchase price of the aforesaid land was fixed in the year 1980 in separate proceedings has not been considered while allowing the revision application preferred by the respondent nos. 1 to 6. Since the purchase price was determined, the appellants were

justified in seeking eviction of the respondent nos. 1 to 6 by invoking the provisions of Section 120 of the said Act. He, therefore, submitted that the order passed by the Sub Divisional Officer ought to be restored and the order passed by the Maharashtra Revenue Tribunal be set aside.

4. Mr. Karekar, learned Counsel for the respondent nos. 2 to 6 supported the judgment of the learned Single Judge and submitted that the reliance was rightly placed on the decision in the case of **Chindhu Maraji Misal and another vs Kundalik Govinda Bhakde and others**, reported in **1983 Mh.L.J. 867** which was also arising from the similar facts. He submitted that even before the Maharashtra Revenue Tribunal the stand was taken by the appellants that by virtue of a private transaction Ganpat has purchased the two fields from Tikamdas. The provisions of Section 57 of the said Act were therefore not attracted. Hence, no interference with the order passed by the learned Single Judge has called for.

5. We have heard the learned Counsel for the parties and we have perused the documents on record.

6. It is not in dispute that the Sale Deed dated 09-06-1965 executed by Tikamdas in favour of Ganpat was validated by the Tahsildar on 25-11-1968. As a consequence, there was no question of seeking permission under Section 57 of the said Act, especially when

Ganpat had paid penalty of Re. 1 in proceedings under Section 122 (2) of the said Act. The reliance was rightly placed on the decision in the case of **Chindhu Maraji Misal and another** (supra) to hold that when the tenant privately purchases land from his landlord and also pays penalty, the provisions of Section 57 of the said Act would not be applicable to such sale. The ratio of this decision applies to the case in hand.

7. We find that the learned Single Judge has considered the all relevant aspects and thereafter maintained the order passed by the Maharashtra Revenue Tribunal. There is no jurisdictional error in the aforesaid adjudication. Hence, there is no case made out to interfere with the said judgment. The Letters Patent Appeal is therefore dismissed. No costs.

(Pushpa V. Ganediwala, J.)

(A.S. Chandurkar, J.)

SANDEEP
CHANDURKAR
JUDGE

Digitally signed by Sandeep Chandurkar
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