

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**1 WRIT PETITION NO.10645 OF 2021
WITH CA/3133/2023 IN WP/10645/2021**

**NARAYAN PURSHOTTAM DAVE THROUGH LRS DIPTI HITESH BHATT
VERSUS
KISAN LAXMAN KALE AND OTHERS**

Mr.Niranjan Deshpande, Advocate for the petitioner.
Mr.A.R. Vaidya, Advocate for respondent Nos. 1 to 7.
Mr.S.B. Pulkundwar, AGP for the respondent/State.
Mr.N.K. Choudhari, Advocate for added respondent.

**CORAM : KISHORE C. SANT, J.
DATED : 03.07.2023**

PC :-

01. The petitioner to add the intervenor as a party respondent forthwith.
02. Leave granted. The petitioner to carry out the amendment forthwith.
03. Heard the learned Advocates for the parties at length. Respondent Nos.1 to 7 had filed proceeding under section 38-E of the Hyderabad Tenancy and Agricultural Lands Act for declaration as tenants. Said proceeding was allowed by the Tahsildar. The order passed by the Tahsildar came to be

challenged initially by the petitioner before the Deputy Collector under section 90 of the Act. The learned Dy. Collector allowed the appeal and set aside order dated 27.06.2007 passed by the Tahsildar only to the extent of observations in absence of any proof and evidence regarding holding of owner of land remaining after purchase of Gat No.76. The Tahsildar was directed to initiate and complete the process as per section 38 of the Tenancy Act and Rules thereunder. The respondent was given liberty to produce Muntakhab of land of Gat No. 76 before the lower Authority in the proceedings under section 38.

04. The petitioner, thereafter, challenged this order before the Maharashtra Revenue Tribunal (MRT). The learned MRT by order dated 30.11.2018 dismissed the revision by confirming the order passed by the Deputy Collector (Land Reforms) dated 28.03.2018. The parties were directed to appear before the Tahsildar by giving specific date. This Court finds that by order impugned, no prejudice is caused to any of the parties. In the meantime, the petition is though filed in 2019, it was not moved and the application came to be moved bearing Civil Application No.3133 of 2023 pointing out for intervention. In the said Civil Application, there is averment

that pursuant to order dated 30.11.2018, already proceedings have been decided by the Tahsildar and it is submitted that the petition has become infructuous. Though in the Civil Application, the petitioner was directed to add the intervenor already, now same is done. It is further submitted that though proceeding before the Tahsildar is already disposed off and even suit is thereafter filed by the petitioner, this petition was not moved.

05. This petition is moved only after the civil application of intervenor was filed. This Court finds that the petition has become infructuous as the order is already implemented and executed. The petition, therefore, stands disposed off accordingly.

06. In view of disposal of the writ petition, civil application No.3133 of 2023 does not survive and disposed off.

[KISHORE C. SANT, J.]