

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

WRIT PETITION NO. 181 OF 2019

Sayyad Nisar Sayyad Chand (Qadri) Khairat Khan ...Petitioner
Versus
Sampat Maruti Pawar & Ors. ...Respondents

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Mr. Nikhil Wadikar a/w Mr. Pradip Zende a/w Mr. Niranjan Kanade i/by
Mr. Nandu Pawar, for Petitioner.
Mr. Dilip Bodake, for Respondent No.1.

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CORAM : SANDEEP V. MARNE, J.
DATE : OCTOBER 12, 2023.

P.C.:

1. The challenge in the present Petition is to the order of Maharashtra Revenue Tribunal dated 16 December 2017 rejecting Petitioners Revision Application filed against the order dated 18 February 2014 passed by the Sub Divisional Officer, Karad. Before the Sub Divisional Officer, the Respondents had filed Tenancy Appeal No.10 of 2013 challenging the decision of Tahsildar dated 20 June 2013 in proceedings initiated by the Petitioner under provisions of Sections 29 and 31 of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (Tenancy Act). The Tahsildar had directed that the tenancy rights of the Respondents had come to an end. The Sub

Divisional Officer took note of the proceedings filed by the widow of the tenant under provisions of Section 32-G of the Tenancy Act and made a reference to order dated 31 March 1982 in those proceedings by the Sub Divisional Officer. He has therefore remanded the proceedings filed by Petitioner under provisions of Sections 29 and 31 of the Tenancy Act to the Tahsildar to be decided after conduct of inquiry in Appeal No.1 of 1982 as per Sub Divisional Officer's order dated 31 March 1982.

2. Thus, it appears that there are two proceedings initiated by the parties against each other. While the tenants have initiated proceedings under Section 32-G of the Tenancy Act, the landlords have filed proceedings seeking declaration of cession of Tenancy rights under provisions of Sections 29 and 31 of the Tenancy Act. In my view therefore unless the proceedings filed by the tenants under Section 32-G of the Tenancy Act are decided, no decision can be taken on the proceedings filed by Petitioner under Sections 29 & 31 of the Act. In that view of the matter, no fault can be found in the order passed by the Sub Divisional Officer directing remand of the proceedings before the Tahsildar, who is already seized of the proceedings filed by the tenants under Section 32-G of the Tenancy Act. The Tribunal has rightly rejected the revision filed by the Petitioner.

3. The learned counsel for the Petitioner has strenuously contended that the proceedings filed by the tenants under Section 32-G are time barred and they are also not maintainable on account of implementation of the Town Planning Scheme. It would be open for the Petitioners to raise all such objections in the proceeding filed by the tenants under Section 32-G of the Tenancy Act.

4. Leaving all the contentions raised by the parties in the present Petition open, the Writ Petition can be disposed of. Since the proceedings filed by the tenant under Section 32-G of the Tenancy Act are pending before the Tahsildar for last several decades, the Tahsildar to decide the same as expeditiously as possible preferably within a period of six months from today.

5. Depending on the outcome of the proceedings filed by the tenants under Section 32-G of the Tenancy Act, the proceedings filed by Petitioners under Sections 29 & 31 may also be decided by the Tahsildar. With the above directions, Writ Petition is disposed of.

(SANDEEP V. MARNE, J.)