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

WRIT PETITION NO. 13893 OF 2018

Shri Chandrakant Krushna Pusekar and ... Petitioners
Ors.

vs.

State of Maharashtra and Ors. ... Respondents

Mr. Aniket P. Ranade for the Petitioner/s.

Mr. P. P. Pujari, AGP for the Respondent-State.

CORAM : SANDEEP V. MARNE, J.

DATED : 6 JANUARY, 2023

P.C. :-

1. By this Petition the Petitioner challenges the order dated 21 September 2017 passed by the Maharashtra Revenue Tribunal, Mumbai in revision No. TNC/REV/PAL/104/2017 rejection Revision no. and confirming the order dated 24 August 2015 passed by the Sub Divisional Officer, Vasai. The SDO, Vasai has refused to condone the delay in filing Tenancy Appeal No. VD/Tenancy Appeal/06 of 2014.

2. In his Tenancy Appeal the Petitioner has sought to question the validity of the mutation entry dated 3 September 2016. The Tenancy Appeal was instituted in the year 2015 after delay of around 50 long years.

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3. I have perused the application for condonation of delay filed by the Petitioner before SDO, Vasai. It was averred in the said application that the Petitioner was unaware of the mutation entry dated 4 July 1963 and that he became aware of the same only after he applied for copies of extracts of the mutation entry on 18 July 2013. Maharashtra Revenue Tribunal has held in its order that the Petitioner had independently commenced proceedings under Maharashtra Land Revenue Amendment Act, 1977 for restoration of their names as tribals and the said proceedings were dropped on 11 April 1977. This belies the contention of the Petitioner in their application for condonation of delay that they were not aware of the mutation entry effected in the year 1963 and that they acquired such knowledge only in the year 2013.

4. The Petitioners were always aware of the mutation entry pertaining to the year 1963 as they initiated independent proceedings for restoration of their lands as tribals in the year 1977. The Petitioners thus did not approach the SDO, Vasai while filing application for condonation of delay. No error is committed by the SDO, Vasai in rejecting the application for condonation of delay. The Maharashtra Revenue Tribunal has

rightly rejected the Revision filed by the Petitioner. There is no error committed by the SDO, Vasai as well as by the Maharashtra Revenue Tribunal.

5. The Petition is devoid of merits. The petition is dismissed. No costs.

6. Learned counsel appearing for the Petitioner submits that the proceeding under Section 32G of the Bombay Tenancy and Agricultural Lands Act, 1948 were dropped only in respect of the land bearing Survey No. 31-Part and 32-Part and the same were not dropped in respect of Survey No. 78-Part. He submits that the Petitioner can file independent proceeding for claiming tenancy right in respect of land at Survey No. 78-Part. If the Petitioners have a remedy of claiming tenancy right in independent proceeding the same can always be initiated. No opinion is expressed about the maintainability of such proceedings.

(SANDEEP V. MARNE, J.)