

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.9038 OF 2022

Savlaram Narayan Namade

...Petitioner

vs.

State of Maharashtra and Others

...Respondents

Mr. Aniket Ranade, for the Petitioner.

Mr. C.D. Mali, AGP for Respondent No. 1.

Mr. Sudhir Prabhu i/b. Ms. Sonali Sase, for Respondent No. 2.

CORAM : N. J. JAMADAR, J.

DATE : JULY 24, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order passed by the learned Member (Administration), Maharashtra Revenue Tribunal, Mumbai on 21st June, 2022 whereby the learned Member declined to pass an order to restrain the respondents from carrying on the then ongoing work/development at the subject land.
3. The genesis of the revision is in the order dated 21st March, 2022 passed by the Sub Divisional Officer, Wada in Tenancy Application No. 3 of 2022 whereby the Sub Divisional Officer, granted one years extension to respondent No. 2 to start the industrial use of the subject land beyond the period stipulated

under the provisions of the Maharashtra Tenancy and Agricultural Lands Act, 1948. It is the grievance of the petitioner that one years extension was sought by respondent No. 2 by suppressing the fact that respondent No. 2 had already entered into a transaction with respondent No. 3 to sale the subject land and had no bonafide intent of putting the subject land to the industrial use. Attention of the Court was invited to the registered agreement for sale executed on 22nd March, 2022, the very next day of the impugned order.

4. Since the petitioner sought to restrain the respondents from carrying out the work/ development at the subject land, the learned Member was of the view that such restraint can not be ordered and proper remedy was to approach the Civil Court.

5. As the Revision Application still awaits adjudication and challenge in this petition is to an order essentially declining to direct the parties to maintain the status-quo, it may be appropriate that Revision Application itself is heard and decided as expeditiously as possible and preferably within a period of three months from the date scheduled for the appearance of the parties.

6. The parties shall appear before the learned President,

Maharashtra Revenue Tribunal on 7th August, 2023.

7. In the meanwhile, if the Sale Deed has not been executed, the respondent No. 2 shall not execute the Sale Deed till the disposal of the Revision Application by Maharashtra Revenue Tribunal.

8. Petition disposed.

(N. J. JAMADAR, J.)