IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3417 OF 2020

Manohar Mukund Patil ...Petitioner

V/s.

Narmadabai Narayan Gharat & Ors. ..Respondents

Mr. D.D. Rananaware, for the Petitioner.

CORAM : SANDEEP V. MARNE, J.

Dated : 2 November 2023.

P.C. :

1. By this petition, Petitioner challenges order dated 9 July 2018 passed by the Maharashtra Revenue Tribunal, Mumbai rejecting Revision Application No. 166 of 2012. In his Revision Application, Petitioner had challenged order dated 18 February 2012 passed by the Sub-Divisional Officer, Dahanu rejecting the Tenancy Appeal on the ground of delay.

2. I have heard Mr. Rananaware, the learned counsel appearing for the Petitioner. He would submit that the proceedings under the provisions of Section 32G of the Maharashtra Tenancy and

Agricultural Lands Act, 1948 (**Tenancy Act**) were conducted and decided against the landlady in the year 1975 when infact she had expired on 29 December 1972. That therefore the order fixing the purchase price of the land in the year 1972 is nullity. He would submit that for challenging such void order, no period of limitation would apply. He would submit that Petitioner continues to be in possession of the land in question and got to know about issuance of 32M Certificate only when the subsequent purchasers started obstructing his possession.

3. Petitioner has filed Tenancy Appeal No.3 of 2011 before the Sub-Divisional officer challenging the order dated 23 December 1975 passed by the Agricutural Lands Tribunal under the provisions of Section 32G of the Tenancy Act. There was thus delay of more than 35 long years in filing the Tenancy Appeal. The contention of the Petitioner about lack of knowledge of passing of order dated 23 December 1975 cannot be accepted for several reasons. Firstly, the name of the tenant continued to be reflected in the revenue records and the Petitioner ought to have made enquiries as to why and how tenant's name continued to be reflected. Secondly after payment of purchase price determined under Section 32G of the Tenancy Act, the tenant applied for removal of the name of the landlady from the revenue records in the year 1996. On 23 January 1996, Mutation Entry No.834 was certified by which the name of the landlady was deleted from 'other

encumbrance' coloumn. Though there appears to be some error in recording the surname of the landlady as 'Pawar' instead of 'Patil', the fact remains that the name of Godabai Patil came to be deleted from the revenue records by taking note of 32M Certificate issued in the year 1996. Atleast at this stage, the Petitioner ought to have noticed the factum of passing of order under Section 32G and issuance of Certificate under Section 32M. It appears that even after 1996, the Petitioner did not raise any challenge to the order under Section 32G and Certificate under Section 32M. Another important development occurred in the year 1996 when the tenant applied for permission for sale of the land in question and such application came to be issued under the provisions of Section 43 of the Tenancy Act. Accordingly, the tenant proceeded to assign the tenanted land in favour of the purchasers. Here again, the Petitioner failed to take steps either against the tenants or against the purchasers. He woke from his deep slumber in the year 2011 and filed Tenancy Appeal before the Sub-Divisional Officer. Considering the above position, in my view, the Sub-Divisional Officer has rightly refused to condone the delay in filing the Tenancy Appeal. Maharashtra Revenue Tribunal has rightly rejected the Revision filed by the Petitioner. There is no reason to disturb the concurrent findings recorded by the Sub-Divisional Officer and Maharashtra Revenue Tribunal. The Writ Petition is accordingly dismissed.

SANDEEP V. MARNE, J.