

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

WRIT PETITION NO. 3464 OF 2022

Shri. Krushana Rama Budhale And Anr. ...Petitioners
Versus
Sub Divisional Officer, Radhanagari And Ors. ...Respondents

....

Mr. Amrut Joshi a/w Mr. Yazad Udwadia, Mr. Niranjana Bhavake,
Ms. Drishti Madhavi, i/by Bhavake and Associates, for the
Petitioners.

Mr. Y. D. Patil, A.G.P. for the Respondent – State.

....

CORAM : AVINASH G. GHAROTE, J.
DATE : 25th JUNE 2024

P.C.:

1. Today the learned counsel for the petitioners, has brought to my notice in order dated 07.05.1999 passed by the learned Sub Divisional Officer (SDO) in appeal against the order dated 11.07.1997 passed by the Agricultural Land Tribunal (ALT) in exercise of the powers under Section 70(b) of the Maharashtra Tenancy and Agricultural Lands Act (MT & AL Act), in which appeal, the aforesaid order dated 11.07.1997 has been set aside. Though it is contended by the learned counsel for the petitioners, that this order is without jurisdiction, in view of the fact that it

has been challenged not by the original landlord but by one Dashrath Bapu Patil, that by itself would not render the said order without jurisdiction as the SDO in law, it is not disputed has power and authority to pass the said order. Merely because the order has been passed on an appeal filed by a person, who was not a party to the original proceedings before the ALT that by itself, would not render the order nullity more so, when the appellant Dashrath Bapu Patil is stated to be a person, who has been allotted a piece of land in respect of which tenancy is being claimed on account of its acquisition for the Dudhganga Dam Project. It is also necessary to note that the present petitioner No.1 as well as Balu Govinda Chavan, were noticed, inspite of which they choose not to appear. In fact the order dated 22.07.2019 passed by the SDO in Tenancy Revision No. 05/1999 (Page-147) records this position of the order under Section 70(b) dated 11.07.1997 being set aside in Tenancy Appeal No.1/1999 by the order dated 07.05.1999 which would indicate that the present petitioners and the predecessors were aware of this order, in view of the fact that against the order dated 22.07.1999 they had preferred a revision before the learned MRT and therefore

cannot claim ignorance of the aforesaid order of the SDO dated 07.05.1999.

2. In view of the above position, since the findings rendered by the ALT under Section 70(b) of the MT & AL Act by the order dated 11.07.1997 is no longer in existence, the claim of the petitioners, of being tenants of the aforesaid land in question also cannot be sustained. I therefore do not see any reason to interfere with the orders passed by the authorities below, the petition is therefore dismissed. No costs.

(AVINASH G. GHAROTE, J.)