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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3402 OF 1999**

Ashok Bidhu Chattopadhyay
residing at Flat N o. 1104, Bhavani Towers-A,
Opp. I.I.T. Powai, Mumbai 400 076.

... Petitioner

vs.

1. Datta Babu Jadhav
Residing at Village Vichumbe
Taluka Panvel, Dist: Raigad

2. Shashikala Rajendra Pai.
Residing at Shrikripa, Keluskar Road, Shivaji
Park, Dadar, Mumbai 400 028.

3. The Sub-Divisional Officer
Panvel, Dist: Raigad

4. The State of Maharashtra

5. M/s. Garden Residency Coop.
Housing Society (Proposed) through
its Chief Promoter Mr. Xavier Tony Pawath
residing at 3/8, Rujtha Coop. Housing
Society, Sector 10A Vashi, Navi Mumbai
400 703

... Respondents

Mr. S.G. Karandikar, for Petitioner.

Mr. A.C. Bhadang, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 4th APRIL, 2024

ORAL JUDGMENT:

1. This petition was admitted on 30th June 1999. Office remark

shows that respondents are served. However, none appears for the private respondents.

2. The petition takes exception to the order dated 22nd September 1998 passed by the Maharashtra Revenue Tribunal ('MRT'), dismissing the petitioner's revision application. The revision application was filed to challenge the order dated 26th April 1995, passed by the Sub Divisional Officer, under Section 43 of the Maharashtra Tenancy and Agricultural Lands Act, granting permission to respondent no.1 to transfer the land to respondent no.2.

3. Learned counsel for the petitioner submitted that the petitioner claims right in the suit property, pursuant to the agreement executed in his favour before the sale-deed was executed by respondent no.1 in favour of respondent no.2. He submitted that the petitioner has already filed a Civil Suit for specific performance of the contract.

4. A perusal of the impugned order indicates that based on the sale permission, respondent no. 1 executed the sale deed in favour of respondent no.2. Subsequently, respondent no.2 transferred the land in favour of respondent no.5. In the impugned order learned

Member of the MRT has observed that the civil suit filed by the petitioner is pending. The inter se contract between the private respondents and the registered sale deed is executed after taking due permission. It is further observed in the impugned order that the petitioner has no locus to challenge the sale permission. The civil suit for specific performance is filed by the petitioner after the sale deed is executed. Thus pendency of the suit would not affect the transaction between the respondents. The tribunal has also observed that if there is a breach of any condition of the permission, it is always open for the Collector to take necessary action. Hence, with these observations, MRT has dismissed the revision application.

5. In view of the aforesaid undisputed facts, I do not see any error or illegality in the reasons recorded by MRT in the impugned order. The learned member of MRT has rightly observed that the petitioner would have no locus to challenge the sale permission as the petitioner is claiming the right only based on the agreement for sale. It is not disputed that the petitioner's civil suit is filed for specific performance after the sale deed is executed in favour of respondent no. 2, pursuant to the sale permission, which was challenged before MRT.

6. There is no illegality or any infirmity in the impugned orders. The petition is devoid of merit. For the reasons recorded above, the petition is dismissed.

(GAURI GODSE, J.)