

Nikita

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

WRIT PETITION NO.8074 OF 2018

Kisan Kondiba Dhamdhere (since
deceased through LRS.) ... Petitioner

V/s.

The State of Maharashtra Through
Government Pleader and Ors. ... Respondents

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Mr. Rahul S. Kadam, for the Petitioner.
Mr. Sunil G. Karandikar, a/w Mr. Prathamesh Bhargude
for Respondent No.5.

Mrs. V.S. Nimbalkar, AGP for the State-Respondent Nos.
1, 3 and 4.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 31, 2024

P.C.:

1. The petitioner challenges order passed by Maharashtra Revenue Tribunal on the ground that order dated 1st April 2015 passed by Tahsildar and Agricultural Land Tribunal affects petitioner's rights.

2. On perusal of the record, it appears that the Respondent No.5 filed an application dated 5th January 2013 to delete the name of respondent No.6 over the Gat No.2505. By the order dated 1st April 2015 the Tahsildar directed deletion of the name of respondent No.6 over Gat No.2505.

3. The petitioner being aggrieved by the said order, challenged the order before the authorities under the Bombay Tenancy and Agricultural Lands Act, 1948. Impugned order is passed by Maharashtra Revenue Tribunal.
4. On perusal of the application and the order passed by the Tahsildar, it appears that respondent No.5 invoked powers of Tahsildar under Sections 149 and 150 of the Maharashtra Land Revenue Code 1966. The order dated 1st April 2015 refers to the provisions of Bombay Tenancy and Agricultural Lands Act, 1948. On overall reading of the order and its operative part, it is apparent that the Tahsildar exercised his power under Sections 149 and 150 of the Maharashtra Land Revenue Code, 1966. Therefore, such order will not affect any person's right including petitioner over Gat No.2505 if any.
5. On perusal of operative part of the order, it is clear that the order dated 1st April 2015 is passed against respondent No.6. Therefore, this order will not bind the petitioner.
6. Hence, the writ petition stands disposed of.
7. All the contentions are kept open to be agitated before the Court in appropriate proceedings if need arises.

(AMIT BORKAR, J.)