

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

WRIT PETITION NO. 10525 OF 2024

Vishnu Krishna Kshirsagar Decd Through LHrs	...Petitioner
Versus	
Dwarkabai Dhundiraj Deo Decd Thr LHrs M D Deo Decd Thru LHrs Ramesh Moreshwar Deo	...Respondents

WITH

WRIT PETITION NO. 10527 OF 2024

Vishnu Krishna Kshirsagar Since Deceased Through LH And Anr	...Petitioners
Versus	
Smt . Dwarkabai Dhundiraj Deo Since Deceased Throigh LHrs And Ors	...Respondents

WITH

WRIT PETITION NO. 10528 OF 2024

Vishnu Krishna Kshirsagar Decd Thru LHrs	...Petitioners
Versus	
Krishna Ramrao Galinde And Ors	...Respondents

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Mr. Abhijeet P. Kulkarni, with Mr. Krushna Jaybhay, Mr. Gourav Shahare & Ms. Sweta Shah, for the Petitioner in all three petitions.

Ms. V. R. Raje, A.G.P for the Respondent – State.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 29th JULY, 2024

P.C.:

1. Heard the learned counsel for the petitioner. He submits that initially the landlady had instituted proceedings under Section 33B of the Bombay Tenancy and Agricultural Lands Act (“BT & AL Act”), in which by an order dated 31.7.1963, page (58) the learned Agricultural Land Tribunal (“ALT”), had directed 50% of the land of Survey No. 421, 424 (1A +B) and 425 /1B, to be given to the landlady for personal cultivation, as she has an exemption under Section 88(C) and the balance area of 8 acres 1 guntha, be retained by the tenant.

2. Appeal against this to the Sub Divisional Officer (“SDO”) by the landlady came to be rejected on 23.11.1970 (page 94). A Revision against which to the Maharashtra Revenue Tribunal (“MRT”) came to be withdrawn by the landlady. In the meantime, the landlady sold an area of 3.3 acres out of the land which, she was entitled to retain under the order dated 31.07.1963, to the

petitioner .

3. Since the order under 33(B) of the BT & AL Act become final, the learned ALT suo moto initiated proceedings under Section 32G of the BT & AL Act, and by an order dated 28.12.1982 (page 112) directed fixation of the purchase price in respect of 8.01 acres of land. This was challenged before the SDO who dismissed the Appeal. Further Revision before the MRT, resulted in it being partly allowed and remanding the matter back to the ALT, challenge against which before this court in Writ Petition 4520 of 1985 resulted in a consent order being passed on 31.08.2001 (page 136) under which, the order of the learned MRT was to be ignored for the purpose of determining the purchase price of 8.01 acres of land of which the petitioner/tenant had become the deemed purchaser on the tillers' day, of which the possession was also to be delivered to the petitioner. The learned ALT, as against this by the order dated 28.06.2004 (page 148) has directed determination of purchase price of only 6.11 acres of land, an appeal against which before the SDO by the tenant has been dismissed by the order dated 29.01.2007 (page 152) and the Revision before the MRT has

resulted in a remand to the ALT again, by the order 07.03.2024 (page 159). The learned counsel for the petitioner, submits that in pursuance to the judgment of this Court in Writ Petition No. 4520 of 1985, dated 31.8.2001 (page 136) all that remained, for the learned ALT was to implement the same and nothing else, and therefore the authorities below could not have gone into question of any entitlement or otherwise, and doing so, has resulted in passing incorrect orders.

4. Issue notice to the respondents for final disposal returnable on 26.08.2024.

5. The Petitioner to serve the respondents by all modes available in law.

6. Till the returnable date, the impugned order dated 07.03.2024 of remand passed by the learned MRT (page 159), shall stand stayed.

(AVINASH G. GHAROTE, J.)