



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2470 OF 2025

Late Poullad Manik Patil
deceased through Legal Representatives
Sunita Bhagwan Patil and others .. Petitioners

Versus

The State of Maharashtra through
Principal Secretary, Revenue and Forest
Department, Mantralaya, Mumbai and others .. Respondents

**WITH
WRIT PETITION NO. 2471 OF 2025**

Late Poullad Manik Patil
deceased through Legal Representatives
Sunita Bhagwan Patil and others .. Petitioners

Versus

The State of Maharashtra through
Principal Secretary, Revenue and Forest
Department, Mantralaya, Mumbai and others .. Respondents

**WITH
WRIT PETITION NO. 2472 OF 2025**

Late Poullad Manik Patil
deceased through Legal Representatives
Sunita Bhagwan Patil and others .. Petitioners

Versus

The State of Maharashtra through
Principal Secretary, Revenue and Forest
Department, Mantralaya, Mumbai and others .. Respondents

**WITH
WRIT PETITION NO. 2473 OF 2025**

Late Poullad Manik Patil
deceased through Legal Representatives
Sunita Bhagwan Patil and others .. Petitioners

Versus

The State of Maharashtra through
Principal Secretary, Revenue and Forest
Department, Mantralaya, Mumbai and others

.. Respondents

**WITH
WRIT PETITION NO. 2474 OF 2025**

Late Poullad Manik Patil
deceased through Legal Representatives
Sunita Bhagwan Patil and others

.. Petitioners

Versus

The State of Maharashtra through
Principal Secretary, Revenue and Forest
Department, Mantralaya, Mumbai and others

.. Respondents

**WITH
WRIT PETITION NO. 2475 OF 2025**

Late Poullad Manik Patil
deceased through Legal Representatives
Sunita Bhagwan Patil and others

.. Petitioners

Versus

The State of Maharashtra through
Principal Secretary, Revenue and Forest
Department, Mantralaya, Mumbai and others

.. Respondents

**WITH
WRIT PETITION NO. 2476 OF 2025**

Late Poullad Manik Patil
deceased through Legal Representatives
Sunita Bhagwan Patil and others

.. Petitioners

Versus

The State of Maharashtra through
Principal Secretary, Revenue and Forest
Department, Mantralaya, Mumbai and others

.. Respondents

...

Advocate for petitioners in all WPs : Mr. S.B. Yawalkar h/f.
Mr. Ankush N. Nagargoje
AGP for the respondent – State : Mr. S.R. Wakale

...

**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 25 FEBRUARY 2025

ORDER (MANGESH S. PATIL, J.) :

Heard learned advocate for the petitioners in all these petitions, who are the same individuals claiming similar reliefs against the contesting respondents with following prayers:-

(B) Direct the tenancy authorities under the Maharashtra Tenancy and Agricultural Act, 1948 to recall all the orders passed with respect to writ land and to declare them as null and void.

(C) The writ land may be declared as free from tenancy and respondents are encroachers on the writ lands by issuing appropriate writ/order for directions.

(D) The order dated 01.04.1963 passed in Tenancy Case No.736 and the certificate issued u/s 32-M to the respondents be declared as null and void.

2. The learned advocate for the petitioners Mr. Yawalkar h/f. Mr. A.N. Nagargoje submits that one Manik Waman Patil, ancestor of the petitioners was owner of the agriculture land in question situate at Nimbhora, Tq. Amalner, District - Jalgaon. Manik died on 13.03.1936 and the name of his son Poullad was recorded in the revenue record and being a minor at the relevant time, even the name of his mother - Parvatabai was recorded as his guardian. Petitioners are the legal heirs of Poullad.

3. Mr. Yawalkar would submit that on an application filed by Parvatabai with the Court of learned District Judge, Dhule. Registrar of District Court, Dhule was appointed as guardian of the writ properties for and on behalf of Poullad. Accordingly, on the application filed by Registrar of the District Court, Dhule, mutation was effected and the Registrar held the possession.

4. Mr. Yawalkar would submit that as a guardian and caretaker of the writ properties, the Registrar granted the writ lands to the ancestors of the contesting respondents for cultivation in the year 1945-46. Accordingly, the name of the ancestors of respondents were mutated in the revenue record. Since Poullad attained majority on 03.12.1952, the Registrar of the District Court was discharged.

5. Mr. Yawalkar would then submit that the ancestors of the contesting respondents preferred proceedings under section 32-G of the Bombay Tenancy and Agricultural Lands Act, 1948 (**Tenancy Act**) in the year 1963. The authority under the Tenancy Act fixed the price and granted 32-M certificate on 01.04.1963. Rukhmabai with the help of her nephew GPA Jijabao Patil collected the documents and preferred RTS Appeals together with delay condonation applications in the year 2013. However, the Sub Divisional Officer, Amalner rejected those applications in the year 2014. It was challenged in Appeal before the Maharashtra Revenue Tribunal, Aurangabad but that was

dismissed. The matter was carried to the High Court which dismissed the petition of the writ petitioners and the order has been confirmed by the Supreme Court by dismissing the Special Leave Petition preferred by the petitioners.

6. Mr. Yawalkar would submit that since Poullad was minor, all the proceedings before the authorities under the Tenancy Act are null and void. The contesting respondents had fraudulently managed to obtain the orders. He would submit that by virtue of section 32-F of the Tenancy Act, the tillar's day get extended in respect of the landlord who is a minor and that would axiomatically extend the period for such minor landlord, to take steps for termination of the tenancy. All these aspects needed to be considered but have been dismissed the challenge put up by the petitioners on the ground of limitation.

7. We have considered the submissions of the learned advocate and perused the papers.

8. Without indulging into any other scrutiny regarding the right being claimed by the petitioners, it is suffice to note that admittedly, the challenge put up by Parvatabai to 32-M certificate issued to the contesting respondents, was turned down by the tenancy authorities and the decisions have been confirmed up to the Supreme Court.

9. For this very reason, in our considered view, the extraordinary powers of this Court under Article 226 of the Constitution of India, cannot be invoked and exercised much less by undertaking any enquiry into the alleged rights of the petitioners. Whatever rights the petitioners had, could have been agitated before the tenancy authorities under the Tenancy Act. Exercising powers of this Court under Article 226 of the Constitution of India, circumventing the decision of the tenancy authorities, would not be permissible when the rival claims / rights have reached finality. Irrespective of the grounds being raised in these petitions, there will have to be finality to the decision of the tenancy authorities in the proceedings under the Tenancy Act.

10. In our considered view, in the peculiar facts and circumstances of the case, the petitions are liable to be dismissed.

11. The petitions are dismissed.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/