IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12086 OF 2024

Sau. Usha W/o. Sopanrao Suryawanshi,
Age: 65 years, Occu. Household and Agril.,
R/o “MANAS” Plot Nos.20-21,
Sahakarnagar, Aurangabad,
Through her General Power of Attorney,
Sopan So. Ramrao Suryawanshi,
Age: 72 years, Occu. Agril.,
R/o. As above.

…..**PETITIONER**
(Ori. Respondent)

VERSUS

1. The State of Maharashtra,
Through: the Deputy Collector,
(General Administration), Collector Office,
Aurangabad.

2. The Tahsildar,
Tahsil Office, Aurangabad

3. The Village Talathi of Village Mitmita,
Tq. And Dist. Aurangabad.

4. Dattatraya S/o Suryabhan Tupe,
Age: 47 years, Occu. Agril. & Business,
R/o. Hanumannagar, Near High Court,
At Aurangabad, Tq. And Dist. Aurangabad.

5. Pandit S/o. Namedo Mule,
Age: 82 years, Occu. Agril.
R/o. Mitmita, Tq. And Dist. Aurangabad.

6. Girjabai W/o. Gangadharrao Dhopeshwarkar,
Age: 74 years, Occu. Household,
R/o. Umanagar, Adjacent to Gopal Agricultural Hall,
Osmanpura, Tq. And Dist. Aurangabad.

7. The Member,
Maharashtra Revenue Tribunal at Aurangabad.

…..**RESPONDENTS**
(Resp. No.4 – Ori. Petitioner)

Mr. V. G. Mete, Advocate for the Petitioner
Mr. V. S. Badakh, AGP for Respondents-State
Mr. D. P. Palodkar, Advocate for Respondent no.4

CORAM : ROHIT W. JOSHI, J.
DATED : 28TH JULY, 2025

ORAL JUDGMENT :-

. The present petitioner had filed an appeal before the learned Additional Collector under Section 90 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as HTAL Act, 1950). There was a delay in filing of the appeal and therefore a separate application for condonation of delay was filed.

2. The learned Additional Collector has allowed the application for condonation of delay vide order dated 11.08.2016. Against this order of condonation of delay, the respondents had preferred a revision under Section 91 of the HTAL Act, 1950 before the Maharashtra Revenue Tribunal.

3. The present petitioner, who is respondent in the revision before the Maharashtra Revenue Tribunal, filed an

application raising objection to maintainability of the revision application. The learned Tribunal kept the said application pending and passed some orders on merits of the matter.

4. Aggrieved by this, the present petitioner filed Writ Petition No.12411 of 2019 and 1075 of 2020. This Court has decided the said petitions vide 09.01.2024, thereby allowing the petitions and quashing and setting aside the order dated 19.07.2019 passed by the learned Tribunal. Matter was remitted to the learned Tribunal to decide the issue of maintainability of revision application afresh.

5. Vide impugned order dated 16.10.2024, the learned Tribunal has rejected the objection raised by the petitioner to the maintainability of Revision Application and has held that revision filed under Section 91 is maintainable.

6. The petitioner has challenged the said order dated 16.10.2024, passed by the learned Tribunal. The contention of the learned Advocate for the petitioner is that Section 90(3) of the HTAL Act, 1950 provides that no appeal shall lie from any interim order passed by the Tahsildar or Tribunal or Collector and further that a revision application shall be maintainable on the grounds mentioned in Section 91 from

any interim order passed by the Tahsildar before the Collector. Referring to the said provisions, the learned Advocate contends that an interim order passed by Tahsildar is amenable to revisional jurisdiction by the Collector but an interim order passed by Collector is not amenable to revisional jurisdiction of the Maharashtra Revenue Tribunal.

7. Perusal of Section 91 reveals that orders passed by Collector on appeal or in exercise of revisional jurisdiction under Section 90(B) are amenable to revisional jurisdiction of the Maharashtra Revenue Tribunal. Section 90(3) speaks about interim order. The word used in Section 91 is 'any' order. It is therefore obvious that the revisional jurisdiction is not restricted any final order to be passed by the Collector on an appeal or in a revision under Section 90(B). It is apparent that the jurisdiction of Maharashtra Revenue Tribunal to entertain revision under Section 91 is not restricted to a final order. Any order which affects some rights of parties passed by the Collector either in appellate jurisdiction under Section 90A or in revisional jurisdiction under 90B will be amenable to a revision under Section 91. It is obvious that application for condonation of delay decides vital rights between the

parties. Rejection of the application for condonation of delay in filing appeal results in dismissal of appeal itself. Likewise, when an application for condonation of delay is allowed, the immunity which the impugned order acquires from further challenge on account of limitation is lost. An order passed on application for condonation of delay is in sense also a final order in as much as the issue of condonation of delay is finally adjudicated by the said order.

8. In that view of the matter, in the considered opinion of this Court, the impugned order passed by the learned Tribunal rejecting preliminary objection to maintainability of the Revision Application is rightly rejected by the learned Tribunal.

9. The petitioner has failed to make out any case for interference. Writ Petition is therefore dismissed.

10. Civil Application, if any, stands disposed of.

(ROHIT W. JOSHI, J.)

Rushikesh/2025