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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1870 OF 2025

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The Venkatesh (Balaji) Temple, through
President Abhimanyu Tipanna Shinde ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Dinesh Bhosale for the petitioner.
Ms. Kavita N. Solunke, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 12, 2025

P.C.:

1. Challenge in this writ petition arises out of an application filed by the petitioner seeking deletion of the name of the agricultural tenant.
2. According to the petitioner, Government Circulars dated 30 July 2010 and 6 November 2018 entitle him to file such an application. It is averred that these Circulars have been issued in strict compliance with the applicable legal provisions and serve to clarify the administrative procedure for deletion of names in cases of agricultural tenancy, thereby rendering the petitioner's application both procedurally proper and substantively justified.

3. The Tahsildar, based on material produced by both sides, recorded a finding that one Dada Dhondi Mali was a protected tenant as on 7 September 1948 and continued to be so as on 1953–1954. Consequently, proceedings under Section 32G were initiated; however, since the land in question is classified as Devsthan Inam Land, Class-III, the purchase was not adjudicated in favour of the tenant as the provisions of Sections 32 to 32R are inapplicable to such lands. The Tahsildar thereby recorded that, notwithstanding the potential applicability of Sections 32 to 32R to other categories of land, the statutory right of the protected tenant to remain in occupation has not been extinguished, and accordingly, the application for deletion of the tenant's name was rejected.

4. The said order was subsequently challenged by the petitioner before the Sub-Divisional Officer (SDO). The SDO, by order dated 30 January 2024, allowed the appeal filed by the petitioner, holding that the initiation of proceedings under Section 32G confirms that the land in question is Devsthan Inam Land. Emphasis was placed on the Government Circular dated 30 July 2010, which governs the regulation of illegally transferred Devsthan Inam Lands, and it was held that the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 are not applicable to such lands. Therefore, the SDO allowed the appeal and directed the deletion of the tenant's name.

5. The tenant, in turn, challenged the order passed by the SDO before the Maharashtra Revenue Tribunal (MRT). The MRT recorded a finding that the rights conferred on the tenant as on 1

April 1957 remain intact notwithstanding the land's classification as Devsthan Inam Land. It was observed that only the provisions of Sections 32 to 32R are applicable in respect of Devsthan Inam Land; hence, the rights of the protected tenant under the Bombay Tenancy and Agricultural Lands Act, 1948 have not been extinguished, rendering the SDO's decision to allow the appeal unjustified.

6. In my opinion, in view of the undisputed fact that the predecessor of the respondents was a protected tenant as on 1947 and 1953, the mere discontinuation of proceedings under Section 32G—on the ground that the land is classified as Devsthan Inam and that the provisions of Sections 32 to 32R are thereby rendered inapplicable—does not, ipso facto, extinguish the tenant's right over the agricultural land. It is further submitted that the statutory scheme underpinning the protection of tenancy rights must be interpreted as an integrated whole, and any omission under Section 32G cannot serve as a basis for abrogating substantive tenant rights. Therefore, the MRT was well within its rights to allow the revision application, and no error of jurisdiction has been committed. Consequently, the writ petition lacks merit.

7. The writ petition is, therefore, dismissed. No costs.

8. The finding of tenancy in favour of the tenant shall not preclude the landlord from initiating proceedings as are permissible under the Bombay Tenancy and Agricultural Lands Act, 1948.

(AMIT BORKAR, J.)