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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7918 OF 2021

Dadaso Anna Pawar & Ors. … Petitioners
V/s.
Shivaji Bhau Pawar & Anr. … Respondents

Mr. R.M. Haridas i/by Mr. Pratik B. Rahade for the petitioners.

Mr. V.S. Talkute for respondent No.1.

Mrs. M.S. Srivastava, AGP for respondent No.2-State.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 20, 2025

P.C.:

1. The challenge in this writ petition is to an order passed by the Maharashtra Revenue Tribunal ("MRT") in a proceeding arising out of Section 32G of the Bombay Tenancy and Agricultural Lands Act, 1948 ("BTAL Act").

2. The writ petition is filed by the purchaser from landlord challenging the declaration in tenant's favour holding him to be entitled to purchase the agricultural land under Section 32G of the BTAL Act.

3. On perusal of the record, it appears that the petitioner raised question in relation to issuance of notice under Section 32F within two years; and issue in relation to tenant being member of a family. On perusal of the order passed by the MRT, it is evident that though the MRT has referred to the submissions of the petitioner that the parties were residing separately before the Tiller's Day, the MRT needs to consider the material produced by the parties to arrive at finding of parties before Tiller's Day. Moreover, the MRT is under obligation to consider the effect of Section 32F on the rights claimed by the parties before 1969. Therefore, it will be in the fitness of things that the MRT shall re-consider the issue raised by the parties afresh and shall decide the revision application. Hence, following order:

a) The impugned order dated 31st August 2021 passed by the Maharashtra Revenue Tribunal, Pune in Revision Application No.NS/III/2/2028 is quashed and set aside;

b) Revision Application No.NS/III/2/2028 is restored to the file of the Maharashtra Revenue Tribunal, Pune;

c) Considering the facts of the case, the Maharashtra Revenue Tribunal, Pune shall decide the Revision Application No.NS/III/2/2028 within six months from the date of appearance of the parties;

d) Parties shall appear before the Maharashtra Revenue Tribunal, Pune on 3rd March 2025 at 10.30 a.m.

4. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)