

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

WRIT PETITION NO.7842 OF 2024

Parshuram Shankar Mathre

....Petitioner

V/S

The State of Maharashtra & Ors.

....Respondents

Mr. Aseem Naphade with Mr. Rohit Jain and Mr. Govind Singh H Rajpurohit *for the Petitioner.*

Mr. P.G. Sawant, AGP for Respondent No.1/State.

Mr. Sunil G. Karandikar with Mr. Dharmesh Jain i/b Mr. Anil T. Agarwal *for Respondent Nos.2 and 4.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 10 MARCH 2025.**

P.C.:

1. The Petition challenges order dated 17 April 2023 passed by Maharashtra Revenue Tribunal, Mumbai, dismissing Revision Application filed by the Petitioner and confirming the order dated 10 December 2019 passed by the Sub Divisional Officer, Panvel. The Sub Divisional Officer has rejected Petitioner's Tenancy Appeal No.68 of 2019 on the ground of delay.

2. I have heard Mr. Naphade, the learned counsel appearing for Petitioner and Mr. Karandikar, the learned counsel appearing for Respondent Nos.2 and 4.

3. It appears that the proceedings for surrender of tenancy under Section 15 of the Maharashtra Tenancy and Agricultural Lands Act, were conducted by Tahasildar and order was passed on 30 July 1990. The possession of the land was taken away from grand-father of the Petitioner on 13 September 1990. Thereafter name of Respondent No.2 was recorded to the revenue records vide Mutation Entry No.8885, dated 13 September 1990. The property thereafter changed hands from Respondent Nos.2 to Respondent No.3 on 14 August 1991 and thereafter from Respondent Nos.3 to Respondent No.4 on 23 June 1992. These transactions are also backed by mutation entries mutating names of purchasers to the revenue records.

4. Petitioner's grandfather, who lost possession of the tenanted land as well as his father never raised any objection about surrender of tenancy. It is the Petitioner who thought of filing an Appeal challenging order dated 30 July 1990 after period of 29 long years by filing Tenancy Appeal before the Sub Divisional Officer on 2 December 2019. It is sought to be contended by the Petitioner that he did not have knowledge about illegal surrender shown to have been effected by Tahasildar. Reliance is placed on judgment of the Apex Court in ***Ramchandra Keshav Adke (dead) by L.Rs. and others vs. Govind Joti Chavare and others***, (1973) 1 SCC 559 in support of the contention that all ingredients of valid surrender of tenancy must be demonstrated and that none of the ingredients are apparent from the impugned order dated 30 July 1990.

5. In my view, the date of acquisition of knowledge by the Petitioner in respect of order dated 30 July 1990 is absolutely irrelevant. Petitioner's grand-father who lost possession of the land never filed any proceedings challenging the order dated 30 July 1990. Petitioner's father also never thought of challenging the said order dated 30 July 1990. The grandfather was alive till 9 May 2006 and father was alive till 10 June 2012. Apart from loss of possession of land, there have been series of mutation entries in respect of the land in question demonstrating mutation of names of various purchasers from time to time. All this was happening in front of eyes of the Petitioner, whose father and the grand-father never thought of challenging the surrender of land. The successive generation in the family cannot be permitted to challenge state order of surrender on a specious plea that they recently acquired knowledge about such surrender. By that standard, Petitioner's son/daughter can also file appeal after acquiring majority by contending that they recently acquired knowledge about surrender proceedings.

6. In that view of the matter, mere late acquisition of knowledge by the Petitioner in respect of surrender proceedings cannot be a reason for condoning gross delay of 29 long years. The Sub Divisional Officer and Maharashtra Revenue Tribunal have correctly exercised the discretion vested in them by not condoning the delay of 29 long years in filing the Tenancy

Appeal. No interference is therefore warranted in the impugned order. Petition is accordingly **rejected**.

(SANDEEP V. MARNE, J.)

SUDARSHAN
RAJALINGAM
KATKAM

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