

URMILA
PRAMOD
INGALE

Digitally signed
by URMILA
PRAMOD
INGALE
Date:
2025.01.22
16:33:55 +0530

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

**WRIT PETITION NO. 9032 OF 2024
WITH
WRIT PETITION NO. 9033 OF 2024
WITH
WRIT PETITION NO. 9034 OF 2024
WITH
WRIT PETITION NO. 9035 OF 2024**

M/s. Deen Dayal & Sons Partnership Firms .. Petitioner
VS.

The Maharashtra Revenue Tribunal, Pune & ors... Respondents

Mr. Vijay Hake, for the Petitioner in all Petitions.

Mr. R.S. Pawar, AGP in WP/9032/2024.

Mr. V.R. Raje, AGP in WP/9033/2024.

Mr. Y.D. Patil, AGP in WP/9034/2024.

Ms.Nisha Mehra, AGP in WP/9035/2024.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 22, 2025

P.C.:

1. Since common issues are involved, the Petitions are disposed of by a common order. The only distinction is the survey numbers.

2. Learned counsel for the Petitioner, apart from the grounds raised in the Petitions, submitted that the order dated 23/06/2023 passed by the Maharashtra Revenue Tribunal (for short 'MRT') is erroneous. It is further submitted that the Sub-Divisional Officer (for short 'SDO') ought to have entertained the Appeal/s preferred by the Petitioner in respect of suo motu proceedings initiated under Section 84C of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (For short 'the said Act'). It is the contention of the learned counsel for the Petitioner that the suit properties were purchased by the Petitioner under valid sale deeds. However, consequent to the proceedings initiated under Section 84C of the said Act, the name of the State Government was recorded in the revenue records as the owner and the Petitioner's name was deleted. The Petitioner therefore, made an application for a certified copy of the order passed under Section 84C, however, the Petitioner on 10/05/2011 was informed that the copy of the order in the proceedings under Section 84C was not found in the records. The Petitioner therefore filed a tenancy Appeal before the SDO

under Section 74 of the said Act.

3. By the order which is at page 46 of the paper-book, the Appeal was dismissed by the SDO on the ground of delay. There are some observations made as regards the merits of the contentions raised.

4. The Petitioner therefore preferred Revision Application before the MRT. By the impugned order dated 23/06/2023, the MRT observed that the Appeal was preferred before SDO without producing the certified copy of the impugned order passed by the Tahsildar. MRT therefore held the Appeal to be incompetent and not tenable. The Revision was dismissed on technical ground. A request was made by the Petitioner and on such request, liberty was granted to file a fresh Appeal before the SDO after getting copy of the order passed by the Tahsildar, subject to law of limitation.

5. Learned counsel for the Petitioner relied upon the decision of the Supreme Court in **Mohamad Kavi Mohamad Amin Vs. Fatmabai Ibrahim (1997) 6 Supreme Court Cases 71** to support his contentions. Since what was under challenge was an order

passed under Section 84C of the said Act, in the present case, the question whether the suo motu power under Section 84C of the said Act was exercised within a reasonable time or not can be raised in a challenge to the order under Section 84C of the Act. This order is sought to be challenged before SDO without the copy being a record. The decision of the Hon'ble Supreme Court relied upon by the Petitioner therefore is distinguishable.

6. I see no reason to interfere with the impugned order. An application made by the Petitioner for a certified copy of the order passed by Tahsildar under Section 84C of the said Act was responded to by indicating that the copy of the order was not found in the records. There is a mutation entry in favour of the State Government on the basis of proceedings under Section 84C. The MRT has granted liberty to the Petitioner to file a fresh Appeal after getting copy of the order passed by the Tahsildar subject to the law of limitation. The Petitioner claims a valid title on the basis of the sale deeds. It is always open for the Petitioner to get his title established from the competent civil Court. Further, in view of the liberty granted by the Tribunal, in

the event the order passed under Section 84C is furnished to the Petitioner or an adverse claim against the Petitioner is made on the basis of such order under Section 84C, it is always open for the Petitioner to resort to appropriate remedies before the SDO subject to the law of limitation.

7. Learned counsel for the Petitioner is correct in his submission when he says that the SDO ought not to have made any observations on the merits of the rival contentions. All contentions of the parties are therefore kept open in the event any proceedings are filed by the Petitioner in view of the liberty granted by the MRT. Such proceedings/Appeal shall be dealt with on its own merits and in accordance of law without being influenced by any observations made by the SDO in the order dated 11/09/2015. The Petitions are disposed of. It is expressly made clear that this Court has not made any observations on the contention of the Petitioner that the initiation of proceedings under Section 84C is illegal and the issue is kept open. No cost.

(M. S. KARNIK, J.)