

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.17695 OF 2024**

Pralhad Haribhau Bankar and ors.

*...Petitioners*

**V/s.**

Shyamrao Moreshwar Kulkarni  
since deceased  
by his legal heirs and ors.

*...Respondents*

**Mr. A.Y. Sakhare**, *Senior Advocate i/by Mr. R. S. Mirpur, Advocates for the Petitioners.*

**Mr. S. G. Karandikar i/by Mr. Abhijit P. Kulkarni, Mr. Gaurav Shahane, Mr. Krushna Jaybhay and Ms. Sweta Shah**, *Advocates for Respondents No.1 and 2.*

**Mr. Ketan Joshi**, *"B" Panel Counsel for the State.*

**CORAM : SANDEEP V. MARNE, J.**

**Dated : 11 February, 2025.**

**P.C. :**

1. The Petition challenges order dated 6<sup>th</sup> September, 2024 passed by Maharashtra Revenue Tribunal (**MRT**) rejecting the Review Application filed by the Petitioners and confirming the order dated 5<sup>th</sup> January, 2023. By order dated 5<sup>th</sup> January, 2023, the MRT has confirmed the order passed by Tahasildar on 28<sup>th</sup> February, 2017 directing removal of possession of land from the Petitioners and handing it over to the original land owners.

2. I have heard Mr. Sakhare, learned senior advocate appearing for the Petitioners, Mr. Karandikar, learned advocate appearing for the Respondents No.1 and 2 and Mr. Ketan Joshi, learned AGP for the State.

3. After having heard the submissions canvassed by the learned counsel appearing for the parties, there appears to be no dispute to the position that the tenancy claim of the Petitioners in respect of the lands has already been negated on account of notification under Section 88 of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (**the Act**) bringing the land within the limits of the municipal corporation. The only point that is sought to be canvassed by the Mr. Sakhare is about jurisdiction of Tahasildar under provisions of Section 59 of the Maharashtra Land Revenue Code, 1966 (**the Code**) to oust the Petitioners from possession of the land. He would submit that though Petitioners may have lost protection under the provisions of the Act, they continue to be tenants under the provisions of the Transfer of Property Act, 1882 and they have a right to retain their possession till lawfully dispossessed by a decree passed by the Civil Court.

4. In my view, once tenancy claim of the Petitioners got negated, Petitioners have lost any right to remain in possession of the land in question. Therefore, exercise of jurisdiction by the Tahasildar under provisions of Section 59 of the Code appears to be perfectly in order. This Court also takes adverse notice of conduct of the Petitioners in entering into the arrangement with the land owners and the developers by accepting monetary consideration while giving away the possession of the land in question. As of today, the possession of the land has already been

taken away from the Petitioners. The land has been developed and the buildings are standing thereon.

5. In that view of the matter, this Court is not inclined to entertain the present petition.

6. The Petition is accordingly disposed of.

**[SANDEEP V. MARNE, J.]**