



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6013/2025

(UDAY PRAKASH PANDE & ANOTHER **VERSUS** MAHARASHTRA REVENUE TRIBUNAL, NAGPUR &
OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri J.H. Mahajan, counsel for the petitioners.
Shri S.B. Bissa, Assistant Government Pleader for the respondent no.1.
Shri Saunak Kothekar, counsel for the respondent nos.2 to 4.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : DECEMBER 22, 2025.

Heard the learned counsel for the parties.

2. By this petition, the petitioners have challenged the order dated 29.08.2025 passed by the Maharashtra Revenue Tribunal (for short, 'the Tribunal') allowing the application for intervention filed by the respondent nos.2 to 4.

3. By the impugned order, the Tribunal observed that the respondent nos.2 to 4 being the legal heirs of deceased Vijaylakshmi Pillay, who was the daughter of deceased Sadashiv Mannu Pande, are entitled to be impleaded as party respondents in the proceedings initiated by other legal representatives of members of their family. The Tribunal observed that since the mother of the respondents, i.e. Vijaylakshmi Pillay was party to the proceedings, out of which the proceedings are initiated before the Tribunal, the interveners are the necessary parties.

4. Assailing the impugned order, learned counsel for the petitioners submitted that the respondent nos.2 to 4 were not parties before the learned Tahsildar, Sub-Divisional Officer and the Collector and therefore, they have no right to be impleaded as party respondents. He also submitted that the proceedings before the Tribunal are with

respect to the property falling to the share of the petitioners and the presence of the respondents is not necessary for deciding the controversy involved in the proceedings.

5. Per contra, learned counsel for the respondent nos.2 to 4 submitted that the respondents are also entitled to participate in the proceedings with respect to the property, which belonged to Sadashiv Mannu Pande, based on the certificate of purchase in his favour. He submitted that after death of Sadashiv Mannu Pande, his legal representatives, including his daughter Vijaylakshmi Pillay were impleaded as party respondents in the proceedings. Therefore, after death of their mother, Vijaylakshmi Pillay, the petitioners became entitled to be impleaded as parties to the proceedings. Hence, they submitted that the respondents are the necessary parties and the Tribunal has rightly directed their impleadment as party respondents.

6. While considering the controversy involved, it has to be seen that the proceedings before the Tribunal are with respect to the property, which was initially owned by Sadashiv Mannu Pande. The record reveals that on the basis of an order passed under Section 46 of the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, a certificate of purchase under section 43 of the Act was issued in favour of Sadashiv Mannu Pande, the grandfather of respondent nos.2 to 4. In the year 1997, the said certificate was cancelled by the Sub-Divisional Officer and thereafter the proceedings were initiated in which legal heirs of Sadashiv Mannu Pandey, including his daughter Vijaylakshmi Pillay, were the parties. The controversy reached till the Maharashtra Revenue Tribunal, which remanded the matter to the Tahsildar for fresh enquiry in accordance with law. In the proceedings before the Tahsildar, the legal heirs of other brothers of Vijaylakshmi were parties, wherein they sought directions for

recording their names in the record of rights and 7/12 extract to the extent of their respective shares. However, the respondent nos.2, 3 and 4 were not included as parties to those proceedings and after getting knowledge, they submitted their applications for intervention which were not decided by the Tahsildar. The controversy then reached up to the Tribunal, before whom the respondent nos.2 to 4 submitted their applications for intervention and joining as party respondents. After giving due consideration to all the relevant aspects, including the status of the interveners, the Tribunal has inferred that the interveners being the legal heirs of Vijaylakshmi, were entitled to be joined as party respondents.

7. A perusal of the impugned order shows that the Tribunal has given due consideration to the rights of the intervenors, being legal heirs of Vijaylakshmi and having found that they are the necessary parties, directed their impleadment as party respondents. It has to be seen that the petitioners have not disputed that the respondent nos.2, 3, and 4 are the legal heirs of Vijaylakshmi, who was impleaded as party to the proceedings with respect to the property belonging to Sadashiv Mannu Pande. As such, since the proceedings are with respect to the property belonging to their family members, the respondent nos.2 to 4 are entitled to be joined as party respondents to the proceedings. The Tribunal has passed a well reasoned order and has taken into consideration all the relevant factual aspects, including the status of the intervenors based on the rights of their mother, Vijaylakshmi. The petitioners have failed to demonstrate any illegality, much less, perversity with the impugned order, neither they have demonstrated any prejudice likely to be caused to them if the respondent nos.2 to 4 are impleaded as parties to the proceedings. Thus, intervenors are entitled to participate in the proceedings related to their share in the property.

8. Having regard to the above mentioned factual and legal aspects, no indulgence is warranted with the impugned order under Article 227 of the Constitution of India. The writ petition is accordingly dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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