

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14243 OF 2024

Joma Ambo Patil Since Decd. Through LRs. ...Petitioner
Krushna Joma Patil

Versus

Kalya Budhya Patil Since Decd. Through LRs. ...Respondents
Balaram Ganpat Patil Since Decd. Through LRs. &
Ors

Mr. Rohit D. Joshi, for the Petitioner.

Mr. Vishal Kanade, a/w Y.M. Nakhwa, A.K. Kharwar, i/b Ashoka Law Firm, for Respondent Nos.2 to 5.

Mr. P.V. Nelsonrajan, AGP for Respondent No.6.

Ms. Parita Mashruwala, i/b Jayakar & Partners for Respondent Nos.7, 8 & 9.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 9, 2026

ORDER :

1. This Petition challenges an order of the Maharashtra Revenue Tribunal dated July 1, 2024 (“**MRT Order**”) reversing an order dated August 14, 2019 passed by the Sub-divisional Officer (“**SDO Order**”). The SDO had refused to condone the delay on the part of the Respondents, who purport to claim through one Mr. Kalya Budhya Patil who is asserted as being the original tiller of the land and thereby

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entitled to the benefits under Section 32G of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (“*MTAL Act*”).

2. As it transpires, originally the purchase price had been fixed in the name of Mr. Kalya Budhya Patil on September 17, 1962. This order was reversed and it was held that the said Mr. Kalya Budhya Patil was not actually cultivating the subject land, and therefore, an order came to be passed in favour of the Petitioner on November 22, 1969 holding that it is the Petitioner who is entitled to the benefits under Section 32G of the Act.

3. Meanwhile, Mr. Kalya Budhya Patil is said to have expired sometime in 1989. Thirty-years thereafter, in 2018, the Respondents, purporting to be legal heirs of Mr. Kalya Budhya Patil and also claiming to have been adopted by Mr. Kalya Budhya Patil, have filed an Application seeking reversal of the declaration of benefits in favour of the Petitioner, asserting that it was Mr. Kalya Budhya Patil who was originally entitled to the land in terms of Section 32G of the Act. The SDO order refused to condone the delay of over thirty-years after the demise of Mr. Kalya Budhya Patil, which was preceded by another twenty-years when Mr. Kalya Budhya Patil was alive. However, the MRT

order reversed the same on the premise that the factual merits would need to be examined.

4. Neither order seems to be articulate in connection with who actually was cultivating the land at the time when the Respondents claim to have gained knowledge of the status of the land. It is noteworthy that while the MRT proceedings were pending i.e. after the SDO Order was passed, the Petitioner purports to have created third-party interests in favour of third parties, who are Respondent Nos.7 to 9.

5. Learned Advocate for Respondent Nos.7 to 9 submits that the MRT proceedings were not within the knowledge of these Respondents and that they have gained third party interests in the same land, which cannot be lightly disturbed by subjecting the title to the land to proceedings pursuant to the MRT order having condoned the delay.

6. Having heard the parties and having examined the record with the assistance of the Learned Advocates, there is consensus between the parties that both the MRT Order and the SDO Order may be set aside by way of remand, leaving it to the SDO to examine the facets of who was cultivating the land and how knowledge of events came to the purported successors of Mr. Kalya Budhya Patil, and also how knowledge of transfer to Respondent Nos.7 to 9 came to these

Respondents. Therefore, without expressing any opinion on merits, taking into account the assertion that the SDO Order does not deal with the purported absence of a specific assertion that it is the Petitioner who was cultivating the land and also taking into account the fact that the MRT Order does not deal with the grounds on which the SDO Order denies condonation of delay, the aforesaid course of action was suggested to the parties and the parties have consensus that the matter may be remanded to the SDO for a *de novo* consideration of all facts necessary to examine whether the condonation of delay sought is a fair and just request.

7. With the aforesaid observations, the Petition is disposed of, setting aside both the MRT Order dated July 1, 2024 and SDO Order dated August 14, 2019 leaving it to the SDO to examine the factual facets afresh and then arrive at a considered and informed decision so that the parties know where they stand. Since the matter involves a complex interplay of facts, it would not be appropriate to delve into the factual matrix in writ jurisdiction, and therefore, it is left to the SDO to ascertain the factual position and pass fresh orders in accordance with law.

8. Needless to say, the parties shall be at liberty to lead evidence to answer the mixed questions of fact and law that arise in the matter. The SDO is requested to complete the aforesaid exercise within a period of three months from the date of being approached. The parties shall present themselves before the SDO no later than ***January 30, 2026 at 12:00 noon***. The SDO shall then give instructions on how to proceed further in the matter.

9. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]