

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3215 OF 2009

Maruti Balkrishna Kadav ... Petitioner
V/s.
Shivagi Pandurang Telange & Ors. ... Respondents

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WITH
INTERIM APPLICATION NO.2720 OF 2025
IN
WRIT PETITION NO.3215 OF 2009

Maruti Balkrishna Kadav ... Applicant
In the matter between:
Maruti Balkrishna Kadav ... Petitioner
V/s.
Shivagi Pandurang Telange & Ors. ... Respondents

Mr. R. P. Lote, for the Petitioner.

Mr. Y. D. Patil, AGP, for the State – Respondent Nos.2, 3
& 5.

Mr. Aditya V. Tayade i/b Vinod N Tayade, for
Respondent No.1.

Mr. Devendranath S. Joshi, for Respondent No.6B.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 25, 2026

P.C.:

1. The present petition arises out of proceedings initiated under Section 84C of the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as “the BTAL Act”). The Tehsildar, upon conducting an enquiry under Section 84C of the BTAL Act,

held the petitioner to be higher in the order of priority as contemplated under Section 32P of the BTAL Act. Being aggrieved thereby, respondent No. 1 filed an appeal before the Sub-Divisional Officer. The Sub-Divisional Officer, by the impugned order, set aside the order passed by the Tehsildar and held that respondent No. 1's rank higher in the priority list under Section 32P of the BTAL Act, and accordingly directed the Tehsildar to pass consequential orders.

2. The said order was challenged by the petitioner by filing a Revision Application before the Maharashtra Revenue Tribunal, Mumbai ("the MRT"). During the pendency of the said Revision Application, respondent No. 1 approached the State Government under the provisions of the Maharashtra Land Revenue Code, 1966. Based on directions issued by the concerned Minister, the revenue authorities effected mutation entries in the revenue record entering the name of respondent No. 1. Taking note of such entry, the MRT held that the Revision Application filed by the petitioner had become infructuous.

3. It needs to be noted that such an order could not have been passed by the Minister on an application filed by respondent No. 1. Be that as it may, even assuming that an entry has been effected in the revenue record pursuant thereto, the same would not absolve the MRT of its statutory duty to adjudicate the issue as to who stands higher in the order of priority, as determined by the Sub-Divisional Officer under Section 76 of the BTAL Act.

4. A mere mutation entry in the revenue record neither confers nor extinguishes substantive rights and has no bearing on the adjudication of entitlement to allotment under Section 32P of the BTAL Act. The MRT was, therefore, under a legal obligation to determine the status of the petitioner and respondent No. 1 and to decide which of them ranks higher in the priority list prescribed under Section 32P of the BTAL Act.

5. Hence, the following order is passed:

(i) The impugned order dated 7 January 2009 passed by the MRT in Tenancy Revision Case No. 67/B/2007 is hereby quashed and set aside.

(ii) The MRT is directed to decide Tenancy Revision Case No. 67/B/2007 afresh on its own merits and in accordance with law, expeditiously and preferably within a period of six months from today.

(iii) The parties shall appear before the MRT on 9 March 2026 at 11:00 a.m.

6. The writ petition stands disposed of in the aforesaid terms.

7. There shall be no order as to costs.

8. In view of the disposal of the writ petition, the interim application does not survive and stands disposed of accordingly.

(AMIT BORKAR, J.)