



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.548 OF 2026**

Balu Dashrath Sonuse and Anr. ... Petitioners
versus
Rekha Sanjay Barve and Ors. ... Respondents

Mr. Prasenjeet S. Kirtikar with Mr. Vijay T. Nirbhavane, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 9 FEBRUARY 2026

P.C.

1. Heard the learned Counsel for the Petitioners.
2. This Petition under Article 227 of the Constitution of India assails the legality, propriety and correctness of an order dated 12 March 2025 passed by the Maharashtra Revenue Tribunal, Mumbai, in TNC/REV/NSK/L-115/2023, whereby the revision application preferred by the Petitioners against the judgment and order dated 22 October 2022 passed by the Sub-Divisional Officer, Niphad, in Tenancy Appeal No.64 of 2022, which has, in turn, affirmed the order dated 23 February 2022 passed by the Tahasildar and ALT in SR/42/2018 (Inquiry No.190 of 2018), thereby allowing the application of the Respondents – landlord under Section 32P(2)(b) and Section 15 of the Maharashtra Tenancy and Agricultural Lands Act, 1948, directing delivery of possession of the subject lands to the Respondent Nos.1 to 4, came to be dismissed.

3. The Petitioners claimed that, Balwant Barku Bhil, the predecessor in title of the Petitioners, was the tenant in respect of the subject lands and became a deemed purchaser on the tillers' day i.e. 1 April 1957. By an order dated 28 September 1961, in Case No.Pandhurli G-27 purportedly under Section 32G of the Act, 1948 to determine the purchase price, it was incorrectly recorded that the predecessor in title of the Petitioners was not willing to purchase the said lands, and, thus, the purchase became ineffective. However, the predecessor in title of the Petitioners and the Petitioners have been in continuous possession and cultivation of the said lands and, consequently, further orders were passed by the authorities under the Act, 1948, and, eventually, pursuant to the order dated 23 May 1990, the ALT fixed the purchase price of the subject lands and upon deposit of the said amount, a certificate of purchase dated 22 August 1990 came to be issued to the Petitioners under Section 32M of the Act, 1948.

4. Respondents – landlords filed an application being No.KulKayada/SR/09/1999 for delivery of possession of the subject lands. Further proceedings ensued, and, eventually, in Revision Application No.TNC/REV/NSK/56/16 dated 29 September 2017, the MRT set aside the orders passed by the SDO and Tahasildar-ALT, and ALT was directed to reopen Tenancy Case No.9 of 1999 initiated by the Respondents – landlords and independently decide the same.

5. Pursuant to the aforesaid order, after holding fresh inquiry, the Tahasildar-ALT, Sinnar, passed an order dated 23 February 2022, directing the delivery of possession of the subject lands to the Respondents – landlord under Section 32P(2)(b) of the Act, 1948. An appeal preferred thereagainst by the Petitioners before the SDO i.e. Tenancy Appeal No.64 of 2022, came to be dismissed by the SDO by an order dated 22 October 2022. A revision application filed by the Petitioners against the said order, came to be dismissed by the impugned order.

6. Mr. Kirtikar, learned Counsel for the Petitioners, submitted that there is voluminous material to show that the predecessor in title of the Petitioners had been in cultivation of the subject lands on the tillers' day. On the basis of incorrect entries in the record of rights, an incorrect finding came to be recorded in Case No. Pandhurli G-27 purportedly under Section 32G of the Act, 1948, on 28 September 1961. Without disputing that, the said order declaring that the purchase has become ineffective, and that the subject lands should be disposed under Section 32P of the Act, 1948, was not assailed in any proceedings, the learned Counsel would urge that the material on record indicates that the predecessor in title of the Petitioners and the Petitioners have all along been in continuous possession and cultivation of the subject lands. Therefore, the impugned orders warrant interference.

7. I have perused the order dated 28 September 1961 passed by the ALT

in the proceedings under 32G of the Act, 1948. It is recorded in clear and explicit terms that the predecessor in title of the Petitioners had stated that he was not willing to purchase the subject lands. Thus, it was declared that the predecessor in title of the Petitioners was not willing to purchase the said land and the purchase became ineffective under Section 32G and, therefore, the subject lands should be disposed in accordance with the provisions contained in Section 32P of the Act, 1948. By a further order dated 24 September 1964, the name of the predecessor in title of the Petitioners was removed from the other rights column of the subject lands.

8. Incontrovertibly, the order dated 28 September 1961 attained finality and neither the original tenants, nor the Petitioners had assailed the said order. Once the proceedings under Section 32G were disposed of by the ALT, by an order dated 28 September 1961 and it was declared that the purchase become ineffective, there was no occasion for the authorities under the Act, 1948 to again entertain an application for determination of the purchase price of the subject lands under Section 32G of the Act, 1948.

9. In this view of the matter, the MRT as well as the authorities under the Act, 1948, were justified in returning a finding that, a second application for determination of the purchase price under Section 32G after the purchase was declared to be ineffective, could not have been entertained. If the Petitioners intended to insulate themselves from the consequence of the said

order, the only remedy for the Petitioners was to assail the said order before the appropriate forum. In the absence thereof, the action under Section 32P(2)(b) of the Act, 1948, which the ALT had then directed to initiate, cannot be faulted at. Thus, the Writ Petition does not deserve to be entertained.

10. The Writ Petition stands dismissed.

(N.J.JAMADAR, J.)