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

WRIT PETITION NO.1187 OF 2025

PETITIONERS

Prakash Namdeo Dhole (Dead) through his legal heirs

1) Dwarka Prakash Dhole, Aged 68 years, Occu.: Agriculturist, R/o. Lawana, Tah. Mangrulpir, Dist. Washim

2) Satish Prakash Dhole, Aged 48 years, Occu.: Agriculturist, R/o. Lawana, Tah. Mangrulpir, Dist. Washim

3) Vinod Prakash Dhole, Aged 40 years, Occu.: Agriculturist, R/o Lawana, Tah. Mangrulpir, Dist. Washim

...VERSUS...

RESPONDENTS

1) Hajrat Shah Badroddhin Darga, Through President, Hayat Kalandar Sansthan, Mangrulpir, Distt. Washim

2) The Sub-Divisional Officer, Mangrulpir, Distt. Washim

3) The Tahsildar, Mangrulpir, Distt. Washim

Mr. A.A. Dhawas, Advocate for Petitioners.
Mr. S.S. Sitani, Advocate for Respondent No.1.
Mr. H.R. Dhumale, AGP for Respondent Nos.2 and 3/State.

PVF

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 26/02/2026

ORAL JUDGMENT :

1. **RULE**. Rule made returnable forthwith. Heard finally with consent of the learned counsels for both the parties.

2. By this petition, the petitioners have assailed the Judgment and Order dated 24.09.2024, passed by the Member (Judicial) Maharashtra Revenue Tribunal, Nagpur in Tenancy Revision No.REV/TNC/WAS-39/2021, Mauza: Lawana, Dist. Washim as well as the Order dated 05.05.2018 passed by the Sub-Divisional Officer, Mangrulpir, District Washim, in Revenue Case No.TNC-107/Lawana/02/2017-18 by which their prayer for grant of sale certificate in respect of the suit property came to be rejected.

3. The controversy involved in the present proceedings arises out of an application filed by the petitioners' father namely Prakash Namdeo Dhole before the Tahsildar, Mangrulpir claiming for issuance of sale certificate in respect of the field bearing Survey No.32, Gat No.78, Admeasuring 10.34 H.R. of Mouza : Lawana, Dist. Washim. The original applicant namely Prakash Namdeo Dhole and his father Namdeo

Devbaji Dhole claimed to be a protected tenant and after his death, the petitioner had got the right to have the land transferred in its name. On the said basis the petitioners' father Prakash Namdeo Dhole prayed that the purchase price of the suit land be fixed and sale certificate be issued in his favour. The said application came to be allowed by Order dated 23.06.2017 passed by the Tahsildar, Mangrulpir whereby, the purchase price of the land was fixed. The respondent No.1 herein has challenged this Order before the Sub-Divisional Officer, Mangrulpir contending that the respondent No.1 is a registered Public Trust and the exemption certificate under Section 129 of the Maharashtra Tenancy and Agricultural Land (Vidarbha Region) Act, 1958 (for short "the Act"), had already been issued by the Collector, Akola in favour of the respondent No.1 and therefore, the suit land was exempted from the application of Section 54 of the Act.

4. After considering the arguments of both the sides, the Sub-Divisional Officer passed an order dated 05.05.2018 thereby, allowed the appeal and quashed the order dated 23.06.2017 passed by the Tahsildar, Mangrulpir. Thereafter, the petitioners filed an application for review of this Order before the Sub-Divisional Officer, which came to be rejected by an Order dated 29.04.2019. Being aggrieved by the same, the petitioners then filed a Tenancy Revision Case before the Maharashtra Revenue Tribunal, Nagpur, challenging the orders passed by the Sub-Divisional Officer dated 05.05.2018 and 29.04.2019. The revision application was contested on merits and by a judgment and order dated 24.09.2024 the revision application came to be dismissed. The said judgment and order is subjected to challenge by way of the instant petition.

5. Advocate Mr. A.A. Dhawas, learned counsel for the petitioners vehemently submitted that the land in question was in possession of the grandfather of the petitioners i.e. Namdeo Devbaji Dhole, prior to the year 1957 and that he was declared as a tenant of the suit field and his name was also recorded in the tenancy list prepared by the Revenue Authorities under Rule 8 of the Rules. He further submits that the Tribunal has ignored this vital document while passing the impugned order. He would submit that the suit property was owned by a Trust by name “Shah Badroddin Masjit Panchayat” and not by the respondent No.1-Trust, which has a different name. Therefore, he submits that the appeal filed by the respondent No.1 challenging the order passed by the Tahsildar, Mangrulpir before the Sub-Divisional Officer was not maintainable. He submits that this vital aspect was not considered by the Tribunal and therefore, the impugned order is unsustainable in law.

6. Per contra, Advocate Mr. S.S. Sitani, learned counsel for the respondent No.1 strongly opposed the petition and submitted that the judgment and order passed by the Tribunal is in accordance with the position of law with respect to Section 129(b) of the Act. He submits that in view of exemption certificate in favour of the respondent Nos.1-Trust issued under Section 54 of the Act, the petitioners' claim was rightly denied. In support of his submissions, he placed reliance upon the judgment of the Hon'ble Supreme Court of India in the matter of ***Shriram Mandir Sansthan @ Shri Ram Sanstha Pusda Vs. Vatsalabai and Others*** reported in ***1999(1) Mh.L.J. 321***. He also submits that the document of exemption certificate under Section 129(b) of the Act, was not considered by the Tahsildar, but the same was duly considered by the Sub-Divisional Officer and resultantly, the order passed by the Sub-Divisional Officer was in tune with position of law.

7. While considering the controversy involved in the instant petition, it has to be noted that the petitioners' claim was based on the premise that the tenancy rights were conferred upon the petitioner's grand-father namely Namdeo Devbaji Dhole and therefore, in view of the provisions of Section 54 of the Act, they were entitled for grant of sale certificate. However, considering the fact that undisputedly, the respondent No.1-Trust is having an exemption certificate under Section 129(b) of the Act, the suit property is thus exempted and therefore, the petitioners being legal heirs of the original tenant, are not entitled for grant of sale certificate in respect of the suit land.

8. Perusal of the order passed by the Sub-Divisional Officer and the Maharashtra Revenue Tribunal, clearly reveals that these crucial aspects are properly given due consideration and by considering the position of law with respect to Section 54 of the Act, the impugned orders were passed by the Authorities. The reasons recorded by the Sub-Divisional Officer and the Tribunal, indicates a plausible view while passing the orders, which needs no interference on any count.

9. In view of above mentioned factual and legal aspects, the contentions canvassed on behalf of the petitioners cannot be accepted. By inviting attention to the Revenue Records, the learned counsel for respondent No.1-Trust had also pointed out that there is no discrepancy in the name of the respondent No.1-Trust. As such, no ground is made out for interference with the impugned orders. Therefore, the writ petition is **dismissed**, with no order as to costs.

10. Rule stands discharged in the above said terms.

(PRAFULLA S. KHUBALKAR, J.)

Privel