



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

WRIT PETITION NO. 5474 OF 2024
AND
WRIT PETITION NO. 5429 OF 2024
AND
WRIT PETITION NO. 5501 OF 2024

WRIT PETITION NO. 5474 OF 2024

1. Shri Bakshi Gulab Rathod (dead)
through legal representatives

1A. Sudam Bakshi Rathod,
Age about 50 yrs, occ. Agriculture,

1B. Subhash Bakshi Rathod,
Age about 45 yrs, occ. Agriculture,

1C. Nursingh Bakshi Rathod,
Age about 55 yrs, occ. Agriculture,

2. Shivilal Bakshi Rathod (dead),
through legal representatie;

2A. Ajit Shivilal Rathod,
Age about 30 yrs, Occ. Agriculture,

all r/o. Kurha (Talni), Tahsil Arni,
District Yavatmal

....PETITIONERS

...V E R S U S...

1. Shrikrushna Rukhmini Pandurang
Deosthan, Kurha (Talni),
Tahsil Arni, District Yavatmal,
Reg. No.A-391 through its trustees;

1. Dr. Sou Sandhya Satish Khadse,
President,
aged 62 yrs, Occ. Service

2. Dr. Satish Ramrao Khadse,
Secretary,
aged 64 yrs, occ. Service,

3. Sunil Ramrao Khadse,
aged 59 yrs, occ. Agriculture,

4. Mukund Ramrao Khadse,
aged 55 yrs, occ. Service,

5. Sou. Anuradha Madan Khadse,
aged 58yrs, occ. Service,

Nos. 1 to 5 r/o "Ramayan"
Jamankarnagar, Yavatmal
Tah & Dist. Yavatmal

6. Shri Baldeo Nagoraoji Khadse,
aged 80 yrs, occ. Agriculture,

7. Shri Vinayak Vitthalrao Thakre,
aged 60 yrs, Occ. Agriculture

8. Naresh Maroti Deshmukh,
aged 38 yrs, Occ. Agriculture,

9. Amol Motiram Rathod,
aged 35 yrs, occ. Agriculture,
Nos. 6 to 9 r/o Kurha (Talni),
Tah. Arni, Dist. Yavatmal

10. Sub Divisional Officer,
Sub Divisional Officer Office,
Yavatmal, Dist. Yavatmal

11. Maharashtra Revenue Tribunal,
Nagpur.

...RESPONDENTS

WRIT PETITION NO. 5429 OF 2024

1. Shri Kisan Champat Wade (dead)
through legal representatives

1A. Chandrabhan Champat Wade
(Ramchandra Kisan Wade)
aged 29 yrs, oc. Agriculture,
r/o Kurha (Talni,) Tahsil Arni,
District Yavatmal

...VERSUS...

1. Shrikrushna Rukhmini Pandurang
Deosthan, Kurha (Talni), Tahsil Arni,
District Yavatmal, Reg. No.A-391
through its trustees;

1. Dr. Sou Sandhya Satish Khadse,
President,
aged 62 yrs, Occ. Service

2. Dr. Satish Ramrao Khadse,
Secretary,
aged 64 yrs, occ. agriculture,

3. Sunil Ramrao Khadse,
aged 59 yrs, occ. Agriculture,

4. Mukund Ramrao Khadse,
aged 55 yrs, occ. Service,

5. Sou. Anuradha Madan Khadse,
aged 58yrs, occ. Service,
Nos. 1 to 5 r/o "Ramayan"
Jamankarnagar, Yavatmal
Tah & Dist. Yavatmal

6. Shri Baldeo Nagoraoji Khadse,
aged 80 yrs, occ. Agriculture,

7. Shri Vinayak Vitthalrao Thakre,
aged 60 yrs, Occ. Agriculture,

8. Naresh Maroti Deshmukh,

aged 38 yrs, occ. Agriculture,

9. Uttam Ganpat Thombre,
aged 52 yrs, Occ agriculture,

Nos. 6 to 9 r/o Kurha (Talni),
Tah. Arni, Dist. Yavatmal

10. Sub Divisional Officer,
Sub Divisional Officer Office,
Yavatmal, Dist. Yavatmal

11. Maharashtra Revenue Tribunal,
Nagpur.

...RESPONDENTS

WRIT PETITION NO. 5501 OF 2024

1. Shrikrushna Ramrao Ghodmare,
Aged 78 yrs, Occ. Agriculture

2. Ganesh Ramrao Ghodmare,
aged 29 yrs, Occ. Agriculture

3. Girdhar Ramrao @ Shamrao Ghodmare,
aged 35 yrs, occ. Agriculture,

4. Shridhar Ramrao @ Shamrao Ghodmare,
aged 29 yrs, occ. Agriculture,

5. Murlidhar Ramrao @ Shamrao Ghodmare,
aged 29 yrs, occ. Agriculture,
All r/o Kurha (Talni), Tah. Arni, Dist. Yavatmal

...VERSUS...

1. Shrikrushna Rukhmini Pandurang
Deosthan, Kurha (Talni), Tahsil Arni,
District Yavatmal, Reg. No.A-391
through its trustees;

1. Dr. Sou Sandhya Satish Khadse,
President,

aged 62 yrs, Occ. Service

2. Dr. Satish Ramrao Khadse,
Secretary,
aged 64 yrs, occ. agriculture,

3. Sunil Ramrao Khadse,
aged 59 yrs, occ. Agriculture,

4. Mukund Ramrao Khadse,
aged 55 yrs, occ. Service,

5. Sou. Anuradha Madan Khadse,
aged 58yrs, occ. Service,
Nos. 1 to 5 r/o "Ramayan"
Jamankarnagar, Yavatmal
Tah & Dist. Yavatmal

6. Shri Baldeo Nagoraoji Khadse,
aged 80 yrs, occ. Agriculture,

7. Shri Vinayak Vitthalrao Thakre,
aged 60 yrs, Occ. Agriculture,

8. Naresh Maroti Deshmukh,
aged 38 yrs, occ. Agriculture,

9. Amol Motiram Rathod,
aged 35 yrs, Occ. Agriculture,

Nos. 6 to 8 r/o Kurha (Talni),
Tahsil Arni, Dist. Yavatmal

10. Sub Divisional Officer,
Sub Divisional Officer Office,
Yavatmal, Dist. Yavatmal

11. Maharashtra Revenue Tribunal,
Nagpur.

...RESPONDENTS

Mr. Sachin S. Deshpande, Advocate for petitioners.

Mr. Anand Jaiswal, Senior Advocate i/b Mr. Harshad Puranik and
assisted by Ms. Trupti Khadse, Advocate for respondent No.1.

Ms. M.R. Kavimandan, AGP for respondent No. 10/State.

CORAM:- M.W. CHANDWANI, J.
DATE :- 09.02.2026

ORAL JUDGMENT:

Heard the learned counsels for the respective parties.

2. All the three writ petitions are arising out of the impugned orders passed by the Maharashtra Revenue Tribunal, Nagpur dated 29.05.2024, whereby the review petitions filed by the present petitioners in all the petitions against the order dated 11.10.2023 passed by the Sub Divisional Officer, Yavatmal were dismissed and the order dated 11.10.2023 on the applications for eviction filed by the present respondent - Trust in all the petitions under Section 120 of the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (for short "the Act of 1958") was upheld.

3. Since, common question arises in all three petitions and respondent-Trust is same in all petitions, therefore, all the writ petitions are being disposed of by this common judgment.

4. The forefathers of the petitioners in each petition were the tenants of respondent-Trust namely Shrikrushna Rukmini Pandurang Deosthan, Kurha. Respondent-Trust moved an application under

section 120 of the Act of 1958 for eviction of the petitioners. The learned Sub Divisional Officer vide impugned orders, allowed the application of respondent-Trust and passed the order of eviction against the petitioners. Thereafter, an unsuccessful attempt was made by the petitioners before the learned Maharashtra Revenue Tribunal. Feeling aggrieved with dismissal of the review petitions by the Maharashtra Revenue Tribunal, the petitioners are before this Court.

5. Learned counsel for the petitioners vehemently submits that Section 46 of the Act of 1958 provides that the ownership right of the land held by the tenants stands transferred and vests with the tenants and they are entitled to purchase it from their landlord as per the procedure laid down under the Act of 1958. According to him, the petitioners are the legal heirs of the original tenants and by virtue of Section 54 of the Act of 1958, the tenancy right is heritable. According to him, since the exemption certificate as per explanation to Section 129 of the Act of 1958 is obtained by respondent-Trust in the year 2010, it cannot be made applicable retrospectively. To buttress his submission, he seeks to rely on the decision of the Coordinate Bench of this Court in the case of ***Mahadeo Sansthan Wadali Vs. Syed Turab Syed Jaffar and others*** (Writ Petition No.250/1997)

decided on 14.07.2010, reported at **2010 SCC Online Bom 985** wherein, the learned Single Judge of this Court has observed in para 13 as under :

“13. Section 129(b) of the Act of 1958, exemption certificate is mandatory if any trust wants to take shelter of exemption being an educational institution or other exemptions stated in it.”

6. Sum and substance of submission made by learned counsel for the petitioners is that, on notified date i.e. 1.4.1961 or 1.4.1963 (i.e. Tiller's Day), by deeming fiction of Sections 46 and 49A of the Act of 1958, the forefathers of the petitioners became owner of their respective lands which was being occupied by them on the Tiller's Day as tenants and since on the Tiller's Day, the exemption certificate as per explanation clause of Section 129 of the Act of 1958 was not available with respondent – Trust, therefore, obtaining of subsequent exemption certificate by respondent-Trust in the year 2010 from the Sub Divisional Officer, Yavatmal will not relate it back to the Tiller's Day.

7. As against this, learned Senior Counsel for respondent – Trust vehemently submitted that the controversy is covered by the decision of Coordinate Bench of this Court in case of **Gajanan**

Maharaj Sansthan, Shegaon Vs. Digambar Pandhari Bhise, reported at **2005(4) Bom. C.R.376**. This Court, in paragraphs 10, 11 and 12 observes as under:

10. Perusal of explanation to Section 129 also reveals that the certificate granted by Collector after holding inquiry that conditions mentioned in the said clause are satisfied by the trust is conclusive evidence about it. The said powers of the Collector are exercised by the Sub-Divisional Officer. The Sub-Divisional Officer has issued certificate on 13.9.1963. Thus, the said certificate is in recognition of the fact that the suit lands are property of the trust as required by Section 129(b) of the Tenancy Act. Thus, the certificate also operates on facts which are in existence prior to the date of its issue and it cannot be constituted that the petitioner/trust becomes entitled to exemption only from 13.9.1963 prospectively. Thus, the arguments that prior to 15.6.1962 the petitioner trust was a private trust and prior to 13.9.1963 there was no exemption in favour of the petitioner trust are liable to be rejected and are accordingly rejected. Such certificate means that petitioner trust is exempt from its inception.

8. Further, learned counsel for respondent-Trust has also placed on record the judgment of learned Single Judge in the case of ***Vidarbha Maharogi Seva Mandal, Tapovan, Amravati Vs. Member, Maharashtra Revenue Tribunal, Nagpur and ors***, reported at **2016(4) Mh.L.J. 645** as well as ***Shri Digambar Jain Dharma and Samaj Vikas Trust Vs. Sub Divisional Officer, Malkapur and others*** reported at **(2016) 4 Mah LJ 441** which has followed the decision of ***Gajanan Maharaj Sansthan, Shegaon*** (supra).

9. Perusal of impugned orders reveals that the order of eviction was mainly based on the exemption certificate granted by the Sub Divisional Officer, Yavatmal in the year 2010. In wake of decision of Coordinate Bench of this Court in the case of ***Gajanan Maharaj Sansthan, Shegaon*** (*supra*) and the decisions referred above, it is crystal clear that certificate of exemption issued under explanation of Section 129 of the Act of 1958 operates on facts which are already in existence as on the date of its issuance and it cannot be construed that Trust becomes entitled to exemption only from the date of issuance of the certificate and that it is bound to relate back to the date of formation of constitution of the Trust.

10. In view of the above analysis and the fact that, the issue in question is already covered by the decision of learned Coordinate Bench of this Court in ***Gajanan Maharaj Sansthan, Shegaon*** (*supra*), as well as the decisions in ***Shriram Mandir Sansthan (1998)*** and ***Sarda Education Trust (1999)***, therefore, the decision relied upon by the petitioners of the learned Single Judge of this Court in the case of ***Mahadeo Sansthan Wadali Vs. Syed Turab Syed Jaffar*** (*supra*) will not be helpful to any extent. Therefore, all the three writ petitions are devoid of merit.

11. Since, no perversity is found in the orders dated 29.05.2024 passed by the Maharashtra Revenue Tribunal, Nagpur, in the case bearing No. REV/TNC/YAV-52/2023 in W.P. No. 5474/24, in the case bearing REV/TNC/YAV-53/2023 in W.P. No. 5429/24, and in the case bearing REV/TNC/YAV-51/2023 in W.P. No. 5501/24, all the writ petitions are dismissed.

(M.W. CHANDWANI, J.)

Belkhede PS