



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

WRIT PETITION NO.3160/2026

Vitthal S/o Shama Ramteke and others

...Versus...

The State of Maharashtra, Through its Chief Secretary and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. C.A. Babrekar, Advocate for petitioners
Mrs. Mrunal Naik, AGP for respondent Nos.1 and 2

CORAM : ROHIT W. JOSHI, J.

DATE : 08/06/2026

1. The present petition takes exception to order dated 21/05/2024, passed by the Maharashtra Revenue Tribunal in Tenancy Revision No.REV/TNC/AMR-28/2019, whereby the learned Tribunal has directed the Sub Divisional Officer to decide the application filed by the respondent No.3-Trust for seeking exemption from applicability of provisions of the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (for short hereinafter referred to as "Maharashtra Tenancy Act") on its merits.

2. It is not in dispute that on an earlier occasion, the respondent No.3-Trust had filed application, which was rejected on the ground that it was not filed in accordance with Rule 62 of the Maharashtra Tenancy and Agricultural Lands Rules, 1956 read with Section 129 of the Maharashtra Tenancy Act.

3. The learned Tribunal has found that since earlier application was not decided on merits, subsequent application

for the same purpose could not be rejected on the ground of *res judicata*, as has been done by the learned Sub Divisional Officer while rejecting the application.

4. Having perused the order passed by the learned Tribunal, this Court finds that the said order is perfectly in accordance with law. The application seeking exemption was not decided on merits, but was rejected on the ground that it was not filed in accordance with the procedure prescribed. Since there is no adjudication on merits in the first round, the order will obviously not operate as *res judicata*. No interference is warranted with the impugned order. Writ Petition is, therefore, dismissed with no order as to costs.

(ROHIT W. JOSHI, J.)