

Supreme Court of India

Pamchandra Hasha Dalvi ... vs D.Patwardhan (Deceased) Through ... on 14 October, 1998

Author: Nanavati.J.

Bench: G.T.Nanavati, S.P.Kurdukar

PETITIONER:

PAMCHANDRA HASHA DALVI (DECEASED) THROUGH LRS.

Vs.

RESPONDENT:

D.PATWARDHAN (DECEASED) THROUGH LRS.

DATE OF JUDGMENT: 14/10/1998

BENCH:

G.T.NANAVATI, S.P.KURDUKAR

ACT:

HEADNOTE:

JUDGMENT:

JUDGMENT Nanavati.J.

This appeal is filed by the tenant against the judgment and order dated 3.8.1990 passed by the High Court of Bombay in Writ Petition No. 95 of 1980.

The Agricultural Lands Tribunal, The deputy District Collector in appeal and the Revenue Tribunal in revision have held that the tenant had made a statement on 13.1.1965 stating that he was not willing to purchase the land and, therefore, the purchase under Section 32 of the Bombay Tenancy and Agricultural Lands Act had become ineffective. After the purchase was declared ineffective, the tenant made an application declaring that he wants to purchase the land. That application was dismissed by the Agricultural Lands Tribunal as not maintainable. Another application was moved by the tenant on 12.1.1967. That was also dismissed on 13.3.1967 for the same reason. Again an application was made by the tenant on 15.2.1968 stating therein that the statement dated 13.1.1965 was not voluntarily made by him and in any case it was not conclusive as it was not made on oath. He also alleged that no notice regarding statutory purchase of the land was received by him. This application was rejected by the Agricultural Lands Tribunal on the ground that at that stage evidence could be led only with respect to the proceeding under Section 32-P of the Act and no evidence could be led to question the order passed in the 32-G proceedings. The Tribunal then held

that the statutory sale in favour of the tenant having become ineffective the landlord was entitled to be put in possession of the land. This decision of the Tribunal was upheld in appeal and also in the revision application.

As all the authorities have, after appreciating the material on record, come to the conclusion that the sale had become ineffective and the landlord was entitled to possession of the land under Section 32-P of the Act, the High Court was right in dismissing the writ petition. This appeal is, therefore, dismissed.