



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9063 OF 2023

Anil Ganesh Bhagat

...Petitioner

Versus

Anant Narayan Patkar (since deceased, through LRs)
and Others

...Respondents

*Mr. Mandar Limaye i/b Ms. Tanvi Kamat and Mr. Vedant Bende for
Petitioner.
Mr. Shubham Mhatre for Applicant in IA No. 10954 of 2024.
Mr. Sumedh Modak i/b Mr. Vijay Killedar for Respondent Nos. 1.1, 1.2.*

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 1st APRIL, 2026

P. C. :

1. By the impugned order, the Maharashtra Revenue Tribunal has remanded the matter to ALT for fresh consideration on the sole ground that some of the legal heirs of co-owners of property, who were the landlords, were not impleaded in the proceedings under Section 32G of the Maharashtra Tenancy and Agricultural Lands Act, 1948 [for short, "**Tenancy Act**"].

2. Mr. Limaye, learned counsel appearing for Petitioner herein and Respondent No. 12 before the MRT and in whose favor, the sale permission has been granted under Section 43 of the Tenancy Act,



would submit that despite being impleaded as party before the MRT, notices were not served upon the Petitioner. He would further submit that the proceedings before the SDO would indicate that other co-owners of the subject property had represented the legal heirs of the deceased-co-owners, which has not been considered by the MRT.

3. As the impugned order does not indicate that any hearing was granted to the Petitioner, it would be appropriate if the proceedings are remanded to the MRT for fresh consideration after hearing the Petitioner as all the contentions which are now sought to be raised before this Court can be raised before the MRT. In these proceedings, an application has also been filed by the legal heirs of the deceased-co-owners seeking to be impleaded. It would be open for the legal heirs of the deceased co-owner to file appropriate application before the MRT to be impleaded as party to those proceedings so that the issue can be considered afresh.

4. In the present proceedings filed under Article 227 of the Constitution of India, this Court cannot consider the submissions raised for the first time by the Petitioner. By the order of 26th August, 2024, this Court had directed the AGP to take instructions as to whether the Petitioner herein was represented before the MRT by the Advocate to which there are no instructions received and no submissions canvassed. Upon perusal of the impugned order dated 15th December, 2021, it is



evident that the submissions canvassed on behalf of Respondents were in the context of tenancy proceedings and the submissions which are now being canvassed by the Petitioner are not recorded. It appears that the Petitioner herein was not issued any notice and was not heard before the MRT. There is a specific ground taken in the present Petition that no notice has been sent and that the Petitioner was not heard, which is not disputed by filing any Affidavit-in-reply or by placing on record any material to indicate that the Petitioner was duly served. The impugned order is therefore, required to be quashed and set aside and the matter is required to be remanded back to MRT to be considered afresh after considering the Petitioner herein as well as other parties. Accordingly, impugned order dated 15.12.2021 is hereby quashed and set aside.

5. Needless to clarify that this Court had not gone into the merits of the matter and all the contentions and rights of all the parties are expressly kept open and the remand is only for the reason that the Petitioner was not duly served with notice and was not heard before passing of the impugned order though being impleaded in the revision proceedings.

6. The parties to appear before the MRT on 15th April, 2026.

7. It is open for legal heirs of the deceased co-owners to file an appropriate application for bringing themselves on record in the



revision proceedings, which is to be decided on its own merits and in accordance with law.

8. The MRT is requested to decide the revision expeditiously.
9. Writ Petition is disposed of in the above terms.
10. In view of above, nothing survives for consideration in pending applications, if any, and the same stand disposed of.

[SHARMILA U. DESHMUKH, J.]