

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1073 OF 2023
(Arising out of SLP (C)No.12273/2014)

MANIKCHAND CHUNNILAL MUNOT

APPELLANT

VERSUS

POSHA PARSHA MOKAL

RESPONDENT

WITH
CIVIL APPEAL NO.1102 OF 2023
(Arising out of SLP (C)No.15241/2014)
WITH
CIVIL APPEAL NO. 1100 OF 2023
(Arising out of SLP (C)No.15169/2014)
WITH
CIVIL APPEAL NO. 1074 OF 2023
(Arising out of SLP (C)No.12949/2014)
WITH
CIVIL APPEAL NO. 1075 OF 2023
(Arising out of SLP (C)No.14680/2014)
WITH
CIVIL APPEAL NO. 1076 OF 2023
(Arising out of SLP (C)No.14714/2014)
WITH
CIVIL APPEAL NO. 1077 OF 2023
(Arising out of SLP (C)No.12823/2014)
WITH
CIVIL APPEAL NO. 1078 OF 2023
(Arising out of SLP (C)No.12932/2014)
WITH
CIVIL APPEAL NO. 1079 OF 2023
(Arising out of SLP (C)No.12911/2014)
WITH
CIVIL APPEAL NO. 1081 OF 2023
(Arising out of SLP (C)No.12764/2014)
WITH
CIVIL APPEAL NO. 1082 OF 2023
(Arising out of SLP (C)No.12793/2014)
WITH
CIVIL APPEAL NO.1083 OF 2023
(Arising out of SLP (C)No.13015/2014)
WITH
CIVIL APPEAL NO. 1084 OF 2023
(Arising out of SLP (C)No.12955/2014)

WITH
CIVIL APPEAL NO.1085 OF 2023
(Arising out of SLP (C)No.14950/2014)

WITH
CIVIL APPEAL NO. 1086 OF 2023
(Arising out of SLP (C)No.14805/2014)

WITH
CIVIL APPEAL NO.1087 OF 2023
(Arising out of SLP (C)No.15237/2014)

WITH
CIVIL APPEAL NO.1088 OF 2023
(Arising out of SLP (C)No.14405/2014)

WITH
CIVIL APPEAL NO. 1090 OF 2023
(Arising out of SLP (C)No.14692/2014)

WITH
CIVIL APPEAL NO. 1091 OF 2023
(Arising out of SLP (C)No.14711/2014)

WITH
CIVIL APPEAL NO. 1092 OF 2023
(Arising out of SLP (C)No.12963/2014)

WITH
CIVIL APPEAL NO.1093 OF 2023
(Arising out of SLP (C)No.16681/2014)

WITH
CIVIL APPEAL NO.1094 OF 2023
(Arising out of SLP (C)No.14979/2014)

WITH
CIVIL APPEAL NO. 1095 OF 2023
(Arising out of SLP (C)No.15071/2014)

WITH
CIVIL APPEAL NO.1096 OF 2023
(Arising out of SLP (C)No.15234/2014)

WITH
CIVIL APPEAL NO. 1097 OF 2023
(Arising out of SLP (C)No.14688/2014)

WITH
CIVIL APPEAL NO. 1098 OF 2023
(Arising out of SLP (C)No.22886/2015)

WITH
CIVIL APPEAL NO.1099 OF 2023
(Arising out of SLP (C)No.15491/2014)

WITH
CIVIL APPEAL NO. 1101 OF 2023
(Arising out of SLP (C)No.14590/2014)

WITH
CIVIL APPEAL NO.1103 OF 2023
(Arising out of SLP (C)No.14948/2014)

WITH
CIVIL APPEAL NO.1104 OF 2023
(Arising out of SLP (C)No.15788/2014)

WITH
CIVIL APPEAL NO. 1105 OF 2023
(Arising out of SLP (C)No.14717/2014)

WITH
CIVIL APPEAL NO.1106 OF 2023
(Arising out of SLP (C)No.14799/2014)

WITH
CIVIL APPEAL NO. 1107 OF 2023
(Arising out of SLP (C)No.13245/2014)

WITH
CIVIL APPEAL NO. 1108 OF 2023
(Arising out of SLP (C)No.14791/2014)

WITH
CIVIL APPEAL NO. 1109 OF 2023
(Arising out of SLP (C)No.14760/2014)

WITH
CIVIL APPEAL NO. 1110 OF 2023
(Arising out of SLP (C)No.14689/2014)

WITH
CIVIL APPEAL NO. 1111 OF 2023
(Arising out of SLP (C)No.14661/2014)

WITH
CIVIL APPEAL NO.1112 OF 2023
(Arising out of SLP (C)No.14756/2014)

WITH
CIVIL APPEAL NO. 1113 OF 2023
(Arising out of SLP (C)No.14742/2014)

WITH
CIVIL APPEAL NO.1114 OF 2023
(Arising out of SLP (C)No.15222/2014)

WITH
CIVIL APPEAL NO.1115 OF 2023
(Arising out of SLP (C)No.14939/2014)

WITH
CIVIL APPEAL NO.1116 OF 2023
(Arising out of SLP (C)No.14697/2014)

WITH
CIVIL APPEAL NO.1117 OF 2023
(Arising out of SLP (C)No.15002/2014)

WITH
CIVIL APPEAL NO. 1118 OF 2023
(Arising out of SLP (C)No.14753/2014)

WITH
CIVIL APPEAL NO.1119 OF 2023
(Arising out of SLP (C)No.15077/2014)

WITH
CIVIL APPEAL NO. 1120 OF 2023
(Arising out of SLP (C)No.14458/2014)

CIVIL APPEAL NO. 1121 OF 2023
(Arising out of SLP (C)No.14718/2014)
WITH
CIVIL APPEAL NO. 1122 OF 2023
(Arising out of SLP (C)No.14783/2014)
WITH
CIVIL APPEAL NO.1123 OF 2023
(Arising out of SLP (C)No.14413/2014)
WITH
CIVIL APPEAL NO.1124 OF 2023
(Arising out of SLP (C)No.15272/2014)
WITH
CIVIL APPEAL NO.1125 OF 2023
(Arising out of SLP (C)No.14484/2014)
WITH
CIVIL APPEAL NO.1126 OF 2023
(Arising out of SLP (C)No.15766/2014)
WITH
CIVIL APPEAL NO.1127 OF 2023
(Arising out of SLP (C)No.16012/2014)
WITH
CIVIL APPEAL NO.1089 OF 2023
(Arising out of SLP (C)No.14677/2014)
WITH
CIVIL APPEAL NO.1080 OF 2023
(Arising out of SLP (C)No.13067/2014)

O R D E R

Leave granted.

In all these appeals, the appellant is assailing the common order dated 28.03.2014 passed by the High Court of Judicature at Bombay in Writ Petition No. 229 of 2013 and connected petitions. Through the said common order, the High Court has upheld the order dated 20.10.2012 passed by the Maharashtra Revenue Tribunal, Mumbai in the Tenancy Revision Petitions.

Having heard learned counsel for the parties, at the outset, we notice that in majority of the appeals herein, the respondents have not chosen to appear despite notice being taken out through paper publication.

In a matter where the issue arises as to whether the

respondents have paid the purchase price in respect of the lands which were considered as tenanted lands, a factual determination in any event is necessary, which cannot be adverted to in these appeals in the absence of documents and contention from rival parties. It is in that light, keeping this in perspective the matter is examined to note the issue involved. The appellant is the owner of the land regarding which the proceedings were initiated under the Maharashtra Tenancy and Agricultural Lands Act, 1948 (For short"Act") and had passed the orders in favour of the respondents/tenants in the proceedings under Section 32G of the Act in the year 1964. The purchase price in respect of said lands was also fixed which was to be paid in twelve annual installments.

In a matter of the present nature, the appellant herein subsequently filed an application on 27.01.2004 under Section 32P of the Act seeking possession of the tenanted lands. In the said application it was contended that the tenants in whose favour the tenancy has been granted and the purchase price was ordered to be paid had not deposited the purchase price and therefore, the appellant had sought for reversion of the lands in his favour. The Tehsildar having considered the application through the order dated 09.04.2004 informed the appellant that the said sale price could be recovered whereby the request for reversion of land was rejected.

The appellant being dissatisfied had filed an appeal before the Appellate Authority, who, through the order dated 13.02.2008 had remanded the matter to the Tehsildar. The Tehsildar by a

subsequent order dated 13.08.2010 had arrived at the conclusion that the provision of Section 32P of the Act would not arise for consideration herein and had accordingly dismissed the application filed by the appellant. The said order was confirmed in appeal through the order dated 21.02.2012 whereupon the appellant had approached the Revenue Tribunal. The Tribunal also through its order dated 20.10.2012 had dismissed the Revision Petitions. The High Court thereafter having examined the matter had dismissed the petitions filed through its order dated 28.03.2014. It is in that light the appellant has approached this Court.

Learned counsel for the appellant in fact seeks to press his relief with reference to the provision contained in Section 32P of the Act. A perusal of the provision no doubt would indicate that in the event, the purchase price fixed is not paid the procedure is provided as contemplated therein. The surrender to the former landlord as sought by the appellant is only subject to the provisions of Section 15 of Act, which are all matters to be adverted only after examining the factual position of sale price fixed not being paid or recovered. Even if the relief of reversion is not available, steps for recovery or such other order was to be examined.

However at this juncture, firstly, what has to be examined by the Tribunal is as to whether in fact the respondent/tenants have paid the purchase price which was fixed as far back in the year 1964 when the order was passed. The provision also indicates a recovery mechanism and therefore as to whether any

steps have been taken in that regard by the Tehsildar for recovery is to be ascertained. Thereafter in that light what is also to be examined is, whether in law the appellant would be entitled to the relief sought, if such purchase price has not been paid by the tenants or has not been recovered. These aspects of the matter would require factual determination to be made based on the records as also the existing present position and only then the legal aspects will arise. Therefore, in our opinion, it would not appropriate for this Court to undertake this exercise when at the first instance, the Tribunal having taken note of the application but a detailed consideration had not been made on all these aspects. Further in any event the High Court could not have also decided these aspects without proper consideration by the Tribunal. It is in that view to protect the interest of all parties and thereafter for the authorities to take appropriate view in the matter, without expressing any opinion on the merits with regard to the rival claims and leaving it open for the factual determination to be made, we set aside the order dated 23.08.2014 passed by the High Court as also the order dated 20.10.2012 passed by the Revenue Tribunal and remit the matter to the Revenue Tribunal to restore the TNC.REV.No.381/B/2012 and connected petitions and examine the matter by securing the parties if need be and take into consideration their contentions based on records, arrive at a factual determination and decide the matter in accordance with law.

All contentions relating to factual aspects as also the provisions contained in the Act to be put forth by the parties are left open to be urged and determined by the Tribunal.

In terms of the above, these appeals stand disposed of.

The status quo order granted by this Court shall enure to the benefit of the parties till a decision is taken by the Tribunal.

.....J.
[A.S. BOPANNA]

.....J.
[AHSANUDDIN AMANULLAH]

NEW DELHI;
FEBRUARY 14, 2023

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.12273/2014

(Arising out of impugned final judgment and order dated 28-03-2014 in WP No. 229/2013 passed by the High Court of Judicature at Bombay)

MANIKCHAND CHUNNILAL MUNOT

Petitioner(s)

VERSUS

POSHA PARSHA MOKAL

Respondent(s)

WITH

SLP(C) No. 15241/2014 (IX)

SLP(C) No. 15169/2014 (IX)

SLP(C) No. 12949/2014 (IX)

SLP(C) No. 14680/2014 (IX)

SLP(C) No. 14714/2014 (IX)

SLP(C) No. 12823/2014 (IX)

SLP(C) No. 12932/2014 (IX)

SLP(C) No. 12911/2014 (IX)

SLP(C) No. 12764/2014 (IX)

SLP(C) No. 12793/2014 (IX)

SLP(C) No. 13015/2014 (IX)

SLP(C) No. 12955/2014 (IX)

SLP(C) No. 14950/2014 (IX)

SLP(C) No. 14805/2014 (IX)

SLP(C) No. 15237/2014 (IX)

SLP(C) No. 14405/2014 (IX)

SLP(C) No. 14692/2014 (IX)

SLP(C) No. 14711/2014 (IX)
SLP(C) No. 12963/2014 (IX)
SLP(C) No. 16681/2014 (IX)
SLP(C) No. 14979/2014 (IX)
SLP(C) No. 15071/2014 (IX)
SLP(C) No. 15234/2014 (IX)
SLP(C) No. 14688/2014 (IX)
SLP(C) No. 22886/2015 (IX)
SLP(C) No. 15491/2014 (IX)
SLP(C) No. 14590/2014 (IX)
SLP(C) No. 14948/2014 (IX)
SLP(C) No. 15788/2014 (IX)
SLP(C) No. 14717/2014 (IX)
SLP(C) No. 14799/2014 (IX)
SLP(C) No. 13245/2014 (IX)
SLP(C) No. 14791/2014 (IX)
SLP(C) No. 14760/2014 (IX)
SLP(C) No. 14689/2014 (IX)
SLP(C) No. 14661/2014 (IX)
SLP(C) No. 14756/2014 (IX)
SLP(C) No. 14742/2014 (IX)
SLP(C) No. 15222/2014 (IX)
SLP(C) No. 14939/2014 (IX)
SLP(C) No. 14697/2014 (IX)
SLP(C) No. 15002/2014 (IX)
SLP(C) No. 14753/2014 (IX)
SLP(C) No. 15077/2014 (IX)

SLP(C) No. 14458/2014 (IX)

SLP(C) No. 14718/2014 (IX)

SLP(C) No. 14783/2014 (IX)

SLP(C) No. 14413/2014 (IX)

SLP(C) No. 15272/2014 (IX)

SLP(C) No. 14484/2014 (IX)

SLP(C) No. 15766/2014 (IX)

SLP(C) No. 16012/2014 (IX)

SLP(C) No. 14677/2014 (IX)

SLP(C) No. 13067/2014 (IX)

Date : 14-02-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Avijit Mani Tripathi, AOR

For Respondent(s) Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Samar Vijay Singh, AOR

Ms. Sabarni Som, Adv.

Mr. Keshav Mittal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals stand disposed of in terms of signed order.

Pending application(s) shall stand disposed of

The status quo order granted by this Court shall enure to the benefit of the parties till a decision is taken by the Tribunal.

(RAJNI MUKHI)
COURT MASTER (SH)

(Signed order is placed on the file)

(DIPTI KHURANA)
ASSISTANT REGISTRAR